

In order to prove such a crime, each of the following elements must be proved:

1. The Defendant is a person who having been previously convicted of _____, in violation of Penal Code section _____, is required to register as a sexual offender pursuant to Penal Code section 290; and
2. The defendant is a person who has previously been convicted of violating Penal Code section 290, Failing to Register as a Sex Offender
3. Such person willfully failed within 5 working days of his birthday, to update his registration with the chief of police of the city in which he temporarily resided or was located, San Jose;
4. Such person had actual knowledge of his duty to register as a sexual offender on his birthday.

If you find that the Defendant was previously convicted of Indecent Exposure in violation of Penal Code section 314, you must accept, as a matter of law, that the Defendant is required to register pursuant to Penal Code section 290. No further proof of this fact is required. You must accept as true, the existence of this fact.

CONCLUSION

The People request the Court to admit and prohibit the above mentioned evidence and arguments.

Respectfully submitted,

GEORGE KENNEDY
DISTRICT ATTORNEY

George W. Kennedy
District Attorney
County of Santa Clara
San Jose, California 95110

95461 REV 1/01

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STEVEN L. DICK
Deputy District Attorney

DATED: FEBRUARY 3, 2003

George W. Kennedy
District Attorney
County of Santa Clara
San Jose, California 95110

5441 REV 1/01

1 LAW OFFICES OF THE PUBLIC DEFENDER
JOSE R. VILLARREAL, #96091
2 RANDY I. DANTO, # 88206
County of Santa Clara
3 120 W. Mission St
San Jose, California 95110
4 Telephone: 408-299-7761

5 Attorneys for Defendant

FILED

FEB 03 2003

KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY JOSE OLIVAREZ DEPUTY

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF SANTA CLARA

11 PEOPLE OF THE STATE OF CALIFORNIA,
12 Plaintiff,

13 -VS-

14 STEVE BADUE,
15 Defendant.

No. CC241061
MOTIONS IN LIMINE

18 I. ADVANCE RULINGS PERMITTED

19 Counsel may, through a motion in limine, seek an advance court ruling excluding certain
20 evidence and a ruling forbidding any mention of or reference to certain evidence. (*Charbonneau*
21 *v. Superior Court* (1974) 42 Cal.App.3d 505-507.)

22 II. SUBJECT MATTER

23 The subject matter of the motion in limine may relate to any matter which the court has the
24 authority to exclude under the Evidence Code. (*Hrnjak v. Gaymar* (1971) 4 Cal.3d 725; *C.E.B.*
25 *California Civil Procedure During Trial*, section 6.47.) This motion may also be used to require
26 the opponent to establish foundational facts in advance for admissibility. (*Hyatt v. Sierra Boat*
27

1 *Company* (1978) 79 Cal.App.3d 325.)

2 **III. DISCOVERY REQUEST**

3 The defense requests the following discovery pursuant to the agreement between counsel:

4 1) A stipulation of compliance with the standing discovery agreement between the
5 District Attorney and the Public Defender Offices;

6 2) A witness list;

7 3) Disclosure of all potentially exculpatory evidence favorable to the defendant,
8 regardless of whether it relates directly to the issue of guilt, innocence or matters relevant to
9 punishment. (*People v. Rutherford* (1975) 14 Cal.3d 399);

10 4) Disclosure of evidence relating to the witnesses to be called by the prosecution,
11 which relates to their credibility, veracity or character. (*Ibid.*);

12 5) Review of all physical evidence;

13 6) Disclosure of any evidence of acts of misconduct committed by the defendant other
14 than those which are mentioned in the Information, which the prosecutor intends to offer into
15 evidence.

16 **IV. EVIDENCE TO BE EXCLUDED PURSUANT TO EVIDENCE CODE §352**

17 Evidence code section 352 states:

18 The court in its discretion may exclude evidence if its probative value is
19 substantially outweighed by the probability that its admission will (a) necessitate
20 undue consumption of time or (b) create substantial danger of undue prejudice, of
confusing the issues, or of misleading the jury.

21 The defense anticipates the prosecution will seek to admit evidence of Defendant's prior
22 290 conviction. Defendant has the right to admit that he suffered a prior conviction, thereby taking
23 it away from the jury's consideration. Therefore the defendant respectfully requests the court
24 exercise its power under Evidence code section 352 and exclude any mention of this evidence.

25 **V. MOTION TO EXCLUDE REFERENCE TO ANY PRIOR CONVICTION WHICH**
26 **THE DEFENDANT HAS SUFFERED.**

27 If the defendant should testify, his prior conviction should be excluded under Evidence
28

1 Code section 352, and the *Beagle/Castro/Collins* line of cases. The relevant inquiry for the court
 2 requires analysis of the following questions: (1) Does the prior conviction evidence a lack of
 3 truthfulness or dishonesty? (2) Is it remote in time? (3) Is it so similar that the jury will judge the
 4 defendant on the basis of that crime and not the one currently before it? (4) Would it prevent the
 5 defendant from testifying and thus inhibit the court's search for the truth?

6 The prior conviction(s) should be excluded in this case because Prior 290 conviction is not
 7 admissible for impeachment.

8 If the court allows the prior convictions(s) to be admitted, then the defense requests that the
 9 court sanitize them by prohibiting the prosecution from admitting the facts underlying the charge
 10 itself.

11 **VI. DEFENSE REQUESTS BIFURCATION OF ANY PRIOR CONVICTION**
 12 **ALLEGED IN THE INFORMATION**

13 The defense requests that the prior conviction(s) alleged in the Information be bifurcated
 14 and tried after the charged offense. (*People v. Bouzas* (1991) 53 Cal.3d 467, 470-480; *People v.*
 15 *Ancira* (1985) 164 Cal.App.3d 378; *People v. Bracamonte* (1981) 119 Cal.App.3d 664, 654,
 16 disapproved in *People v. Calderon* (1994) 9 Cal.4th 69, 79-80, to the extent that it implies that
 17 bifurcation is mandatory in every case.)

18 The principal issue controlling the court's consideration of this issue is the potential
 19 prejudicial effect of admission of evidence of a prior conviction. Presenting a jury with evidence
 20 of crimes other than those for which defendant is on trial often poses a grave risk that the jury will
 21 conclude defendant has a criminal disposition and therefore probably committed the new offense.
 22 (*People v. Calderon, supra*, 9 Cal.4th at 75.)

23 Among the factors that may influence the potential for prejudice in the particular case are
 24 the degree to which the prior conviction is similar to the charged offense, how recently the prior
 25 conviction occurred, and the relative seriousness or inflammatory nature of the prior compared to
 26 the charged offense. (*Id.*, at 79.) Although the determination whether to bifurcate rests within the
 27 sound discretion of the trial court, "the risk of undue prejudice posed by the admission of evidence
 28

1 of a prior conviction, considered against the minimal inconvenience generally caused by
 2 bifurcating the trial, frequently will militate in favor of granting a defendant's timely request for
 3 bifurcation." (*Id.*)

4 The *Calderon* court concluded that denying defendant's bifurcation motion would be an
 5 abuse of discretion where evidence of the alleged prior conviction "would have apprised [sic] the
 6 jury that defendant recently had been convicted of attempted robbery, a crime bearing some
 7 similarity to, and of comparable seriousness to the charged offense of attempted burglary—thereby
 8 creating a serious risk that the jury would conclude that defendant has a criminal disposition." (*Id.*,
 9 at 80.)

10 **VII. THE DEFENSE REQUESTS THAT EACH OBJECTION POSED DURING THESE**
 11 **MOTIONS IN LIMINE CONSTITUTE A CONTINUING OBJECTION TO**
 12 **ADMISSION.**

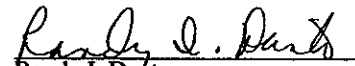
13 The defense requests a stipulation that each objection posed during these motions in limine
 14 constitute a continuing objection to admission. (*People v. Jennings* (1988) 46 Cal.3d 963; *People*
 15 *v. Karis* (1988) 46 Cal.3d 612.)

16 **VIII. WITNESS EXCLUSION**

17 Pursuant to Evidence Code section 777, the defense requests that all witnesses and potential
 18 witnesses be excluded from the courtroom.

19
 20
 21 Dated: February 3, 2003

22 Respectfully submitted,
 23 JOSE R. VILLARREAL
 24 Public Defender

25 
 26 Randy I. Danto
 27 Deputy Public Defender
 28

CTS = _____ ACT + _____ ☐ PC4019 ☐ PC2933.1 = _____ TOTAL DAYS _____ TOTAL TERM 57
☐ Straight time ☐ WWP ☐ PC1209 Fees ☐ Waived ☐ Court Rec _____ ☐ Except ☐ EMP/PSP/WF/ERP/DRP/Co Parole/NP
☐ Sent Deemed Svnd ☐ Rpt to Local Parole ☐ Adv of _____ Yrs Parole/Appeal Rights ☐ Consec ☐ Conc to _____
☐ Bal CJ Susp ☐ All but _____ Days/Mos ☐ On Cond Complete Residential Treatment Prgm ☐ Serve Consec MO/TU/WE/TH/FR/SA/SU
☐ Pre-process _____ AM/PM ☐ Stay/Surrender Transport to _____ @ _____ AM/PM or Sooner
☒ REMANDED-BAIL \$ 100,000 ☐ NO BAIL ☐ COMMITTED ☐ RELEASED ☐ OR ☐ SORP ☐ DOC TO CONTACT JAC FOR ASSMT
☐ AS COND OF SORP ☐ BAIL INCREASED / REDUCED ☐ TO PRGM AS REC BY JAC-DOC TO TRANSPORT FOR BALANCE OF JAIL
 DISTRIBUTION: BLACK - FILE COPY, GREEN - DOC, BLUE - CJIC, PURPLE - DOR/PROBATION, BROWN - DEFENDANT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
HONORABLE RISE J. PICHON
HALL OF JUSTICE – EAST / DEPT 36

Date: February 3, 2003

Case No: CC241061

Deputy Court Clerk: Jose Olivarez

Court Reporter: Tricia Norris

Deputy: Nathan Negosa

The People of the State of California

Deputy District Attorney: Steven Dick

vs.

Steve Badue

Counsel for Defendant: Randy Danto

NATURE OF PROCEEDINGS: Motions In Limine

Day One

2:16 PM

The Court is called to order with all parties present to proceed with Motions In Limine.
The Defendant is present and in-custody.

People's Motions In Limine

- I. The Defendant can be impeached with his prior convictions.
 - A. Penal Code Section 314 – **Court will hear further arguments.**
 - B. Penal Code Section 148.9 – **Granted.**
- II. The Defendant should be prohibited from arguing that the current case is barred by double jeopardy or collateral estoppel – **Granted.**
- III. The Court may take judicial notice of it's file – **Granted.**
- IV. The Defendant should not be allowed to argue that the crime should be a misdemeanor – **Granted.**

2:50 PM

Defense's Motions In Limine

- I. Allow Defendant to admit prior conviction of PC290 – **Withdrawn by Defendant.**
- II. Bifurcation of PC667.5(b) prior conviction alleged in the information – **Court reserves ruling and takes under submission.**

The People agree to replace the word "prison" for the word "in-custody" when making their argument.

3:11 PM

The Court stands in recess. The Defendant remains in the custody of the California Department of Corrections.

Date: February 03, 2003
The People vs. Steve Badue

Page 2 of 2
CC241061

- 4:00 PM** The Court is called to order with all parties present. The Defendant is present and in-custody. The Court takes Defendant's jury waiver. Counsel join in the waiver of jury. The Court accepts the jury waiver.
- 4:01 PM** The Court adjourns for the evening recess. The matter is continued to Wednesday, February 5, 2003 at 9:00 a.m. in Department 36 for commencement of court trial.

SUPERIOR COURT
190 W HEDDING STREET
SAN JOSE CA 95110
PEOPLE VS STEVE BADUE
L.K.A. TRANSIENT

COUNTY OF SANTA CLARA

CASE NO. CC241061
CEN 02505160

DATE 02/05/2003 9:00 AM DEPT. 36
01/04/1966 CAC0655444
CLERK JOSE OLIVAREZ BGN149 M
HEARING COURT TRIAL/VERDICT
AGENCY SJ - 04313-2836 - MARTINEZ
STATUS I - SET - 100000 TW N

JUDGE HON RISE J. PICHON
REPORTER TRICIA NORRIS C. JOHNSON
DEF. ATTY. DANTO, RANDY
CHARGES F (001) PC290(G)(2)

D.A. S. DICK

APO

VIOLATION DATE
02/27/2002

NEXT APPEARANCE

3-6-03 1:30PM D-36

☒ Defendant Present ☐ Not Present ☒ Atty Present R. DANTO AD ☒ Legal Aide / Special App
☐ WFA ☐ Arr'd ☐ Amended complt ☐ Arr ☐ Plea ☐ IDC ☒ Prob / Sent ☐ Interp
☐ PC977 Waiver ☐ Filed ☐ On file ☐ Bail/ OR/ SORP ☐ Rect Dr Rpt ☐ FAR ☐ Pretrial Services to Contact Gateway for Assmt
☐ NG ☐ Entered by CRT ☐ NGBRI / Adv ☐ PSet ☐ Prelim ☐ PTC ☐ S/B MTC ☐ Bail Reinstated ☐ Bail Exonerated
☐ Priors / Allegations / Enhancements Denied ☐ Further ☐ Jury ☐ CT ☐ Pao/Def Wav Jury ☐ Forfeited Bond #
☐ TW ☒ TNW ☐ TW / WD ☒ for Sent ☐ Proof of ☐ Reassumption Filed ☐ Forfeiture Set Aside
☐ Ref / Appt PD / ADO ☐ Conflict Decl ☐ Ref'd ☐ Costs Within 30 Days to Court
☐ Relieved ☐ Appt'd ☐ Crim Proc Susp ☐ Rein ☐ SORP / OR ☐ Revoked ☐ Reinstated
☐ Hrg on Motion ☐ Doubt Decl Pursuant PC 1368 ☐ BW Ordered \$ ☐ Stayed
☐ Granted ☐ Den ☐ Subm ☐ OC ☐ Subm on rept ☐ Found ☐ BW Set Aside ☐ Recalled ☐ To Issue
☐ Drs. Appointed ☐ Max Term ☐ Committed ☐ Other:
☐ Prelim Waived ☐ Certified to General Jurisdiction ☐ MDA / COM Amended to

PLEA Conditions: ☐ None ☐ No State Prison ☐ PC17 after 1 Yr Prob ☐ Includes VOP
☐ Jail / Prison Term of
☐ Dismissal / Striking ☐ Subm time of sent

☐ Adv ☐ Max Pen ☐ Parole/Probation ☐ Appeal ☐ Immig ☐ Reg PC290/HS11590/PC457.1/PC186.30 ☐ Future serious felony prior ☐ PC12021 (gun)
☐ Waives Constt Rights ☐ Written Waiver filed ☐ PC17 REDUCTION ☐ Waives Arbuckle ☐ Harvey Stip
☐ COP PLEADS ☐ GUILTY ☐ NOLO CONTENDERE to charges & admits enhs/priors (see below) ☐ Factual Basis found ☐ Findings stated
☐ Notice of Eligibility Filed ☐ DEJ Granted ☐ Rpt to DADS ☐ DEJ Rein ☐ DEJ Term ☐ Guilty Plea Rendered
☐ Waives Referral ☐ Ref'd to APO Full Rpt ☐ PROBATION DENIED ☐ FINES/FEES: PAY TO ☐ Ref to DOR ☐ COURT
☐ Sentenced to State Prison/County Jail ☐ Sent Suspended ☐ COUNT \$ + PA \$ ☐ Purs HS11350d

PROBATION ☐ Execution ☐ Imposition of sentence suspended for probation period
☐ COURT ☐ FORMAL PROBATION GRANTED for Days / Mos / Yrs
☐ Report to APO within Days ☐ Upon Release ☐ Terminated
☐ Commun Altern Program ☐ Perform hrs Volunteer Work
☐ Submit Search / Testing ☐ Educ / Voc Trng / Empl
☐ Not drive w/o valid DL & Ins ☐ DVPO issued / mod / term Exp
☐ Not own/possess deadly weapons ☐ Weapon ordered destroyed
☐ No contact w/victim or family / co-defts unless appr by APO ☐ PC1202.05
☐ No alcohol / drugs or where sold ☐ Restitution
☐ Substance abuse, Domestic Violence, Psychological, Parenting cnsl / prgm
☐ PC296 (DNA) ☐ PC1202.1 (Aids Testing) ☐ Aids Education Program
Other:

VOP: ☐ Arr'd VOP ☐ Admits/Denies Violation ☐ Court Finds VOP / No VOP
☐ Prob Rein / Mod / Term / Revoked / Remains Revoked / Ext to
☐ Original Terms & Conditions Except as Amended Herein
Coterminous with ☐ No Further Penalties ☐ Restitution \$ to

JAIL/PRISON ☐ See Attachm't Pg for Add'l Orders, Charges, PC1385 Reasons ☐ Referred to VWAC ☐ As Determined APO / CRT

Count	F/M	Violation	Prison Term / Yrs	Enhancement / Priors	Yrs / Std / Strkn	County Jail
1	F	PC 290(G)(2)	-	GUILTY		

Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Total
PC 667.5(B)	+	TRUE								/

CTS = ACT + ☐ PC4019 ☐ PC2933.1 = TOTAL DAYS TOTAL TERM **61**
☐ Straight time ☐ WWP ☐ PC1209 Fees ☐ Waived ☐ Court Rec ☐ Except ☐ EMP/PSP/WF/ERP/DRP/Co Parole/NP
☐ Sent Deemed Srvd ☐ Rpt to Local Parole ☐ Adv of Yrs Parole/Appeal Rights ☐ Consec ☐ Conc to
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SUPERIOR COURT
190 W HEDDING STREET
SAN JOSE CA 95110
PEOPLE VS STEVE BADUE
LKA TRANSIENT

COUNTY OF SANTA CLARA

CASE NO. CC241061
CEN 02505160

DATE 02/05/2003 9:00 AM DEPT. 36

01/04/1966 CAC0655444

CLERK JOSE OLIVAREZ BGN149 M

HEARING COURT TRIAL/VERDICT

AGENCY SJ - 04313-2836 - MARTINEZ

STATUS I-SET - 100000

TW N

JUDGE HON RISE J. PICHON
REPORTER FRICIA NORRIS C. JOHNSON
DEF. ATTY. DANTO, RANDY
CHARGES F (001) PC290(G)(2)

D.A. S. DICK

VIOLATION DATE
02/27/2002

AMENDED ORDER

2/18/03

3-6-03 1:30PM

D-36

NEXT APPEARANCE

☒ Defendant Present ☐ Not Present ☒ Atty Present R. DANTO AD ☒ Legal Aide / Special App
☐ WFA ☐ Arr'd ☐ Amended complt ☐ Arr ☐ Plea ☐ IDC ☒ Prob / Sent ☐ Interp
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PLEA Conditions: ☐ None ☐ No State Prison ☐ PC17 after 1 Yr Prob ☐ Includes VOP

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☐ Sentenced to ☒ State Prison/County Jail ☐ Sent Suspended **COUNT** \$ + PA \$ ☐ Purs HS11350d
PROBATION ☐ Execution ☐ Imposition of sentence suspended for probation period **COUNT** \$ + PA \$
☐ COURT ☐ FORMAL PROBATION GRANTED for Days / Mos / Yrs **DPF / AIDS** \$ + PA \$
☐ Report to APO within Days ☐ Upon Release ☐ Terminated **DRF / RF** \$ Add'l RF\$ Susp'd PC1202.45
☐ Commun Altern Program ☐ Perform hrs Volunteer Work **DEJ** \$ **CTS PC 2900.5** \$
☐ Submit Search / Testing ☐ Educ / Voc Trng / Empl **AEF** \$ **TOTAL DUE** \$
☐ Not drive w/o valid DL & Ins ☐ DVPO issued / mod / term Exp **ADPA** \$ ☐ Committed @ \$ /Day
☐ Not own/possess deadly weapons ☐ Weapon ordered destroyed **LAB** \$ ☐ Consec/Conc to
☐ No contact w/victim or family / co-defts unless appr by APO ☐ PC1202.05 **NC** \$ ☐ Payments Granted / Modified
☐ No alcohol / drugs or where sold ☐ Restitution **ASF / CPF** \$ \$ / Mo beginning
☐ Substance abuse, Domestic Violence, Psychological, Parenting cnsl / prgm **AR** \$ ☐ FINE STAYED
☐ PC296 (DNA) ☐ PC1202.1 (Aids Testing) ☐ Aids Education Program **SHELTER** \$ ☐ Fine Deemed Satisfied ☐ Commuted
☐ Other: **DV** \$ ☐ Vol Wk Hrs in Lieu of Fine
VOP: ☐ Arr'd VOP ☐ Admits/Denies Violation ☐ Court Finds VOP / No VOP **ATTY** \$ ☐ DSA thru APO / DOR / CRT ☐ Filed
☐ Prob ReIn / Mod / Term / Revoked / Remains Revoked / Ext to **P/INV** \$ ☐ P/SUP \$ /Mo
☐ Original Terms & Conditions Except as Amended Herein **CJAF** \$ to
☐ Coterminal with ☐ No Further Penalties ☐ Restitution \$ to
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Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Total
PC 667.5(B)										1

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DISTRIBUTION: BLACK - FILE COPY, GREEN - DOC, BLUE - CJC, PURPLE - DOR/PROBATION, BROWN - DEFENDANT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
HONORABLE RISE J. PICHON
HALL OF JUSTICE – EAST / DEPT 36

Date: February 5, 2003

Case No: CC241061

Deputy Court Clerk: Jose Olivarez

Court Reporter: Cindi Johnson

Deputy: Nathan Negosa

The People of the State of California

Deputy District Attorney: Steven Dick

vs.

Steve Badue

Counsel for Defendant: Randy Danto

NATURE OF PROCEEDINGS: Court Trial

Day Two

- 9:27 AM The Court is called to order with all parties present. Defendant is present and in-custody. The Court takes judicial notice of the Court's file with regards to Defendant's identity.
- 9:29 AM People's Exhibit 1: Nine page certified copy of Prior Conviction (Docket # SM223630) – is marked for identification and admitted.
- People's Exhibit 2: Thirteen page certified copy of Prior Conviction (Docket # C9947075) – is marked for identification and admitted.
- People's Exhibit 3: Ten page certified copy of Prior Conviction (Docket # 208774) – is marked for identification and admitted.
- People's Exhibit 4: Ten page certified copy of Prior Conviction (Docket # 182210) – is marked for identification and admitted.
- People's Exhibit 5: Twenty-two page certified copy of Prior Conviction (Docket # C9349405) – is marked for identification and admitted.
- 9:30 AM The People call witness, Teresa D. McDaniel, who is sworn and examined on direct by Mr. Dick.
- 9:35 AM The Court thanks and excuses the witness.
- 9:36 AM The People call witness, Francis Gallegos, who is sworn and examined on direct by Mr. Dick.
- 9:37 AM People's Exhibit 6: Seven page certified copy of Department of Corrections packet (03/14/2002) – is marked for identification and admitted.

Date: February 05, 2003
The People vs. Steve Badue

Page 2 of 3
CC241061

- 9:40 AM People's Exhibit 11: Two page certified copy of VCIN document (01/05/2003) – is marked for identification and admitted.
- 9:42 AM People's Exhibit 7: One page Registration Change of Address/Annual Update form (06/18/2001)– is marked for identification and admitted.
- People's Exhibit 8: One page Registration Change of Address/Annual Update form (09/16/1999) – is marked for identification and admitted.
- People's Exhibit 9: One page Registration Change of Address/Annual Update form (06/14/1999) – is marked for identification and admitted.
- 9:46 AM People's Exhibit 10: One page certified copy of California Sex Offenders printout (Steve Kent Badue)– is marked for identification and admitted.
- 9:47 AM The Court thanks and excuses the witness.
- 9:49 AM The People call witness, **Trak Keo**, who is sworn and examined on direct by Mr. Dick.
- 9:50 AM Counsel stipulate to witness' in-court identification of Defendant. **The Court accepts stipulation.**
- 9:52 AM The Court thanks and excuses the witness.
- 9:54 AM The Court stands in recess.
- 10:10 AM The Court reconvenes with all parties present. The Defendant is present and in-custody. The People call witness, **Richard Peretti**, who is sworn and examined on direct by Mr. Dick.
- People's Exhibit 12: One page request for certified copy of Booking Sheet and Photo (03/11/3002)– is marked for identification and admitted.
- People's Exhibit 13: Three page request for certified copy of Booking Sheet and Photo (03/11/2002)– is marked for identification and admitted.
- 10:11 AM Counsel stipulate that witness is an expert in analyzing and comparing latent fingerprints. **The Court accepts the stipulation.**
- 10:15 AM People's Exhibit 14: Five page packet of Booking Photos and Fingerprints with red cover page – is marked for identification and admitted.

Date: February 05, 2003
 The People vs. Steve Badue

Page 3 of 3
 CC241061

People's Exhibit 15: Two page request for certified copy of Prints (03/11/2002) – is marked for identification and admitted.

People's Exhibit 16: Three page request for certified copy of Ten Print Card (03/26/2002) – is marked for identification and admitted.

People's Exhibit 17: Four page Mugshot of Steve Kent Badue (03/26/2002) – is marked for identification and admitted.

People's Exhibit 18: One page Registration Change of Address/Annual Update (06/18/2001) – is marked for identification and admitted.

10:19 AM The Court thanks and excuses the witness. The Court takes judicial notice that the City of San Jose is in the County of Santa Clara.

10:20 AM The People rest.

10:24 AM The Defense rests.

10:25 AM The People give closing arguments.

10:26 AM Defense counsel submits the matter. The Court takes a short recess to review all the evidence.

10:48 AM The Court reconvenes with all parties present. Defendant is present and in-custody. The Court makes the following findings:

<u>Count</u>	<u>Charge</u>	<u>Verdict</u>	<u>Allegation</u>	<u>Finding</u>
1	PC290(g)(2)	Guilty	PC667.5(b)	True

The matter is referred to Adult Probation for a full presentence report. Time is not waived for sentencing. The matter is set for Thursday, March 6, 2003 at 1:30 p.m. in Department 36 for sentencing and probation.

10:50 AM The Court stands in recess

CONFIDENTIAL

MAY NOT BE EXAMINED WITHOUT COURT ORDER

THE PEOPLE

VS

STEVE KENT BADUE

COURT OF APPEAL NUMBER:

CASE NUMBER: CC241061

PROBATION OFFICER'S REPORT

SEALED PAGES 66 **THRU** 89

IN THE SUPERIOR COURT OF THE
STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA
THE PEOPLE OF THE STATE OF CALIFORNIA,

FILED
MAR 06 2003
CLERK OF SUPERIOR COURT
COUNTY OF SANTA CLARA
BY JOSE OLIVAREZ DEPUTY

)	
)	
PLAINTIFF,)	REPORT OF
)	PROBATION OFFICER
vs.)	No.: CC241061
)	March 6, 2003
STEVE KENT BADUE,)	S. Dick, D.A.
)	R. Danto, P.D.
DEFENDANT,)	
)	
)	

COURT DATA

SENTENCING COURT: Honorable Rise J. Pichon

CHARGE: Count One, Section 290(g)(2) of the Penal Code
(Failing to Register at Birthdate, with a PC 290 Prior
Conviction or Juvenile Adjudication)

PRIORS: One within the meaning of Section 667.5(b) of the Penal
Code Prison Prior - Adds One Year

#1: Section 113550 of the Health and Safety Code (Santa
Clara Co. No. C9947075)

PROBATION ELIGIBILITY: Eligible

DATE OF OFFENSE: February 27, 2002

DATE OF ARREST: October 14, 2002 (see Supplemental Information)

CONVICTION: Found guilty Court Trial and the allegation of a
Prison Prior was found true on February 5, 2003.

CONDITIONS: None

REMAINING CHARGES: None

DAYS IN CUSTODY: 144 actual days, 72 days - 4019 PC, 216 total
days; (see Supplemental Information) presently
in custody

AGE & DATE OF BIRTH: 37; January 4, 1966; Mississippi

In the Case of STEVE KENT BADUE
Info. #: CC241061

March 6, 2003

SUPPLEMENTAL INFORMATION:

According to the CJIC minute order dated February 5, 2003, the defendant's PFN is listed as BGN149; however, the defendant's true PFN is BQN149.

The defendant was arrested on March 7, 2002, in Stockton and a parole hold was placed. The defendant had a hearing on April 15, 2001 and was sentenced to an 11-month sentence for absconding parole, giving false identification to a peace officer, and failure to register pursuant to Section 290 of the Penal Code. He completed his sentence on October 13, 2002. The defendant is entitled to custody credits on the instant offense effective October 14, 2002.

According to CJIC, the defendant has an "IN PROCESS" case, Docket No. C8270848. The defendant entered a conditional plea on April 15, 1982, after being convicted of violating Section 245(b) of the Penal Code, (Assault with a Deadly Weapon other than a Firearm Against a Peace Officer or Firearm) a felony, and Section 871 of the Welfare and Institutions Code (Escape from Juvenile Facility), a misdemeanor. As of the completion of this report, efforts were being made to ascertain the disposition of this matter.

SUMMARY OF OFFENSE:

On February 19, 2002, a San Jose Police Officer working in the Sexual Registration Enforcement Team determined that the defendant was out of compliance with his sexual registration pursuant to Section 290 of the Penal Code. The defendant last registered with the San Jose Police Department on June 18, 2001, at which time he identified himself as a transient.

The defendant was in custody in a California Department of Corrections Institution in Tracy, serving an 11-month parole violation sentence for absconding from parole when he was transferred from Santa Clara County Jail on September 17, 2002. According to parole records, the defendant was out of custody from October 11, 2001 and was not arrested again until March 7, 2002.

The defendant missed his registration within five days after his release from prison in October 2001. Also, he did not register 60 days thereafter as required of transients, and he did not register in January on his birthday annual registration.

In the Case of STEVE KENT BADUE
Info. #: CC241061

March 6, 2003

DEFENDANT'S STATEMENT:

The undersigned officer attempted to interview the defendant on February 20, 2003, at the Santa Clara County Main Jail. The defendant declined to make any statements or give any social data.

INTERESTED PARTIES:

Indecent Exposure convictions

On September 27, 1993, the defendant was convicted of misdemeanor Indecent Exposure on Docket No. C9349405 and sentenced to 90 days County Jail and probation to terminate upon release from custody. He was also ordered to register pursuant to Section 290 of the Penal Code.

On September 25, 1995, the defendant was convicted of misdemeanor Indecent Exposure on Docket No. 182210, and sentenced to 91 days County Jail with 91 days credit for time served. The defendant was granted formal probation for 91 days.

In reference to Case #SF072508A, according to Stockton Police Report No. 97-56699, dated October 30, 1997; the defendant walked into a laundry mat where the 16-year-old victim was. He went to the restroom. The victim felt uneasy and went to the store adjacent to the laundry mat. As she was talking to the clerk, the defendant entered the store and exposed his penis in his hand. The defendant requested an adult magazine from the store clerk. As the clerk was getting the magazine, the defendant bumped the victim from behind with his abdomen area. The victim thought that the defendant bumped against her with his exposed penis.

The victim called her father then called police. The victim's father confronted the defendant in the restroom in the laundry mat. When the defendant opened the restroom door, the victim's father saw the defendant's exposed penis in his hand. When police officers arrived, they located the defendant in the bathroom sitting on the toilet with his pants to his ankles but his underwear on. Officers found two pornographic magazines on the bathroom floor. The defendant was arrested.

Later, officers found the defendant had hidden three torn out pages from the pornographic magazine in his underwear and a role of matches in his anus.

According to CII, on October 30, 1997, the defendant was sentenced to five years probation with a six month County Jail sentence for violating Section 314.1 of the Penal Code, a felony.

In the Case of STEVE KENT BADUE
 Info. #: CC241061

March 6, 2003

Attempts to contact San Joaquin County Probation Department regarding the status of this matter have been unsuccessful. If contact is made prior to sentencing, that information will be forwarded to the Court.

According to Parole Unit Supervisor, P. Torda, the defendant was first released from custody on January 22, 2001. Since that date, the defendant has had three separate parole violations for absconding from parole and other violations. He has served three separate parole violation sentences, which included a three-month, a six-month, and his most recent 11-month sentence, which was completed on October 13, 2002, while he was in custody in Santa Clara County. Supervising Parole Agent Torda, believes the defendant deserves a prison commitment and does not believe there are any mitigating circumstances to warrant a mitigated prison commitment, given the defendant has never reported to parole since his initial release from prison, thus indicating an unwillingness to comply with parole or supervision.

(Docket #C9947045)

A presentence report was prepared by the Adult Probation Department dated February 18, 2000 for Docket No. C9947075. In the defendant's section the probation officer wrote, "the defendant ... does not want probation involved in his life and would not be willing to report on a monthly basis." In the case evaluation section, the probation officer wrote, "At the time of the verdict the defendant expressed to the Court he did not want to accept the terms and conditions of probation. He continues to maintain that position." "Though the defendant feels he is not harming anyone else with his behavior, the undersigned is concerned that the continuing exposure behavior, and engaging in passerby with inappropriate comments indicates an escalation of the seriousness of that behavior."

JUDICIAL COUNCIL RULES 4.414, 4.421 & 4.423: (Attached)

CASE EVALUATION:

Steven Badue is 37 years old and appearing before the Court for sentencing after being found guilty by Court trial of one count of Failing to Register at Birth Date with a PC 290 Prior Conviction or Juvenile Adjudication and the allegation of a Prison Prior found true. The defendant was out on parole with a warrant for failure to report to his parole agent when it was determined the defendant had failed to register with San Jose Police Department since June 18, 2001.

The defendant's criminal history consists of three prior felony convictions, one for felony Indecent Exposure in Stockton, one for failing to register pursuant to Section 290 PC and Section 11350(a) of the Health and Safety Code. The defendant also has

In the Case of STEVE KENT BADUE
Info. #: CC241061

March 6, 2003

13 misdemeanor convictions, which include various types of behavior including two for Indecent Exposure, drug-related offenses, and assaultive behavior in Santa Clara County.

The defendant has made it clear both by his statements to the Court and the investigating probation officer on previous matters, as well as his behavior while on parole, he has no intention of complying with either registering as a sex offender or reporting to his parole agent. In this officer's opinion the defendant is an unsuitable candidate for probation. The defendant's behavior indicates a lack of respect for the criminal justice system as evidenced in his unwillingness to comply with the Court and Parole orders. The defendant is deserving of a prison commitment given he has been previously convicted of not complying with sex registration requirements.

Given the defendant violated parole three times in the first year after being released from prison, having served additional prison terms for his inappropriate behavior and noting this has not discouraged the defendant from persisting in similar behavior, this officer believes that a mid-term prison commitment and imposition of the additional punishment for his prison prior of one year be imposed for a total sentence of three years in the Department of Corrections.

SUGGESTED TERM:

<u>CHARGE</u>	<u>MIT</u>	<u>AGG</u>	<u>RANGE</u>	<u>ENHANCEMENTS</u>	<u>TOTAL TERM</u>
Ct. 1, 290(g)(2) PC	No	No	16 mos, 2, 3, yrs	None	2 Years
				1 yr (667.5(b) PC)	1 Year
				<u>TOTAL TERM:</u>	3 Years

Credits
 144 + 12 = 216
 (4019)

In the Case of STEVE KENT BADUE
Info. #: CC241061

March 6, 2003

RECOMMENDATION:

1. Probation be denied.
2. The defendant be committed to the California Department of Corrections for ~~three~~ ² years.
3. The defendant be advised of a subsequent three (3) year period of Parole Supervision.
4. A General Fund Fine and Penalty Assessment be imposed.
5. The defendant shall not possess a firearm pursuant to Section 12021 of the Penal Code.
6. A Restitution Fine of \$400.00 be imposed under the formula permitted by Penal Code Section 1202.4(b).

(Continued)

In the Case of STEVE KENT BADUE
Info. #: CC241061

March 6, 2003


RECOMMENDATION: (Continued)

7. An additional Restitution Fine of an amount equal to that imposed under Penal Code Section 1202.4 be imposed and suspended pursuant to Section 1202.45 of the Penal Code.

NOTE: Attorney fees if appropriate.


Respectfully submitted,

JOHN CAVALLI
Chief Probation Officer


Edward H. Mattson
Deputy Probation Officer
408/435-2173


EHM/jm
Attachments

Reviewed by:


Joseph Mensah
Supervising Probation Officer
408/435-2139

The above report has been read and considered by the Court.




RISE J. PICHON
Judge of the Superior Court
Santa Clara County, California

SOCIAL DATA

NAME: Steve Badue DATE: 3/6/03 INFO #: CC241061
 AGE: 37 DOB: 1/4/66 PLACE: Mississippi INS #:
 ADDRESS:
 PHONE #: HOME: () WORK: ()
 LENGTH OF RESIDENCE IN COUNTY: STATE: USA:

COHABITANTS:

EMERGENCY CONTACT: HOME: ()
 ADDRESS: WORK: ()

<u>NAME</u>	<u>CITY & STATE</u>	<u>TELEPHONE #</u>
FATHER:		
MOTHER:		

MARITAL STATUS: SPOUSE:
 NUMBER OF CHILDREN: AGE(S):
 LIVES WITH:

EMPLOYMENT HISTORY:
 CURRENT/LAST EMPLOYER:
 CITY & STATE:
 REASON FOR LEAVING:

DATES:
 NET PAY: \$
 OCCUPATION:

LONGEST EMPLOYER:
 CITY & STATE:
 REASON FOR LEAVING:

DATES:
 SALARY: \$
 OCCUPATION:

EDUCATION:

SPECIAL ED:

TRAINING PROGRAMS:
PROGRAM:

DATES: COMPLETED:

HEALTH PROBLEMS/HANDICAPS:

PRESENT TREATMENT PROGRAM:

PREVIOUS TREATMENT PROGRAMS:

<u>NAME & ADDRESS:</u>	<u>DATES:</u>	<u>COMPLETED:</u>

PRIOR CONVICTIONS: FELONY: 2 MISDEMEANOR: 13
 JUVENILE: n/a

NOTE: Unless indicated (v), information on this form has not been verified.

Badue
CC241061

RULE 4.414: CRITERIA AFFECTING PROBATION

Criteria affecting the decision to grant or deny probation include:

Favorable Unfavorable

- | | | | |
|-------------------------------------|-------------------------------------|---------|--|
| | | (a) | Facts relating to the crime, including: |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (a) (1) | The nature, seriousness, and circumstances of the crime as compared to other instances of the same crime.
Comment: <i>Def. continues the same behavior in choosing not to register or follow his requirements</i> |
| <input type="checkbox"/> | N/A <input type="checkbox"/> | (a) (2) | Whether the defendant was armed with or used a weapon.
Comment: |
| <input type="checkbox"/> | N/A <input type="checkbox"/> | (a) (3) | The vulnerability of the victim.
Comment: |
| <input type="checkbox"/> | N/A <input type="checkbox"/> | (a) (4) | Whether the defendant inflicted physical or emotional injury.
Comment: |
| <input type="checkbox"/> | N/A <input type="checkbox"/> | (a) (5) | The degree of monetary loss to the victim.
Comment: |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (a) (6) | Whether the defendant was an <u>active</u> or passive participant.
Comment: |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (a) (7) | Whether the crime was committed because of an unusual circumstance, such as great provocation, which is unlikely to recur.
Comment: |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (a) (8) | Whether the manner in which the crime was carried out demonstrated criminal sophistication or professionalism on the part of the defendant.
Comment: |
| <input type="checkbox"/> | N/A <input type="checkbox"/> | (a) (9) | Whether the defendant took advantage of a position of trust or confidence to commit the crime.
Comment: |

Badue
CC241061

RULE 4.414: CRITERIA AFFECTING PROBATION: (Continued)

Favorable Unfavorable

- | | | | |
|--------------------------|-------------------------------------|---------|--|
| | | (b) | Facts relating to the defendant, including: |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (b) (1) | Prior record of criminal conduct; whether as an adult or a juvenile, including the recency and frequency of prior crimes; and whether the prior record indicates a <u>pattern of regular</u> or increasingly serious criminal conduct.
Comment: <i>Fails to register</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (b) (2) | Prior performance on probation or <u>parole</u> and present probation or parole status.
Comment: <i>Three parole violation within one year after being released</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (b) (3) | Willingness to comply with the terms of probation.
Comment: <i>Previously stated does not want probation</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (b) (4) | Ability to comply with reasonable terms of probation as indicated by the defendant's age, education, health, mental faculties, history of alcohol or other substance abuse, family background and ties, employment and military service history, and other relevant factors.
Comment: |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (b) (5) | The likely effect of imprisonment on the defendant and his or her dependants.
Comment: |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (b) (6) | The adverse collateral consequences on the defendant's life resulting from the felony conviction.
Comment: |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) (7) | Whether the defendant is remorseful.
Comment: |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (b) (8) | The likelihood that if not imprisoned the defendant will be a danger to others.
Comment: <i>The defendant cannot be tracked if he fails to register</i> |

Badue
CC214061

CIRCUMSTANCES IN AGGRAVATION

Applicable Factors are marked:

CRIME RELATED FACTORS/RULE 4.421

- ☐ (a) (1) The crime involved great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness, or callousness.
- ☐ (a) (2) The defendant was armed with or used a weapon at the time of the commission of the crime.
- ☐ (a) (3) The victim was particularly vulnerable.
- ☐ (a) (4) The defendant induced others to participate in the commission of the crime or occupied a position of leadership or dominance of other participants in its commission.
- ☐ (a) (5) The defendant induced a minor to commit or assist in the commission of the crime.
- ☐ (a) (6) The defendant threatened witnesses, unlawfully prevented or dissuaded witnesses from testifying, suborned perjury, or in any other way illegally interfered with the judicial process.
- ☐ (a) (7) The defendant was convicted of other crimes for which consecutive sentences could have been imposed but for which concurrent sentences are being imposed.
- ☐ (a) (8) The manner in which the crime was carried out indicates planning, sophistication, or professionalism.
- ☐ (a) (9) The crime involved an attempted or actual taking or damage of great monetary value.
- ☐ (a) (10) The crime involved a large quantity of contraband.
- ☐ (a) (11) The defendant took advantage of a position of trust or confidence to commit the offense.

DEFENDANT RELATED FACTORS/RULE 4.421

- ☐ (b) (1) The defendant has engaged in violent conduct, which indicates a serious danger to society.
- ☒ (b) (2) The defendant's prior convictions as an adult or sustained petitions in juvenile delinquency proceedings are numerous or of increasing seriousness. *for same offense*
- ☒ (b) (3) The defendant has served a prior prison term. *[used to Enhance]*
- ☒ (b) (4) The defendant was on probation or parole when the crime was committed.
- ☒ (b) (5) The defendant's prior performance on probation or parole was unsatisfactory.

Badue
CC214061STATUTORY AGGRAVATORS:

- ☐ 136.1(f) PC - Use of Force to Intimidate Witness
- ☐ 186.22(b)(2) - Criminal Street Gang Activity that is Committed on the Grounds or Within 1,000 Feet of a School During Hours It is Open or Minors Using the Facility
- ☐ 243.4 PC - Sexual Battery of Employee by Employer
- ☐ 502.9 PC - Larceny (Theft) of Elder or Dependent Adult
- ☐ 515 PC - Embezzlement of Elder or Dependent Adult
- ☐ 525 PC - Extortion of Elder or Dependent Adult
- ☐ 1170.7 PC - Robbery or Attempted Robbery for Controlled Substances of Pharmacist, Employee, Person with Legal Possession of Same.
- ☐ 1170.71 PC - 288 With Use of Obscene/Harmful Matter.
- ☐ 1170.72 PC - Controlled Substance Offenses Involving Minors 11 Years Old or Younger.
- ☐ 1170.73 PC - Quantity, Sections 11377, 11378 or 11378.5 H&SC
- ☐ 1170.74 PC - Crystalline Form, Sections 11377, 11378, 11379, 11379.6 H&SC
- ☐ 1170.75 PC - Felony Committed Due to Victim's Race, Color, Religion, Nationality, Ancestry, Disability, Gender, Sexual Orientation or Country of Origin.
- ☐ 1170.76 PC - Commit 243.4, 245, 273.5 or 273.55 PC by Member of Household or Relative.
- ☐ 1170.78 PC - 451 (Arson) in Retaliation Against Owner/Occupant.
- ☐ 1170.8 PC - (a) Robbery or Assault with Deadly Weapon In House of Worship.
(b) 451 or 453 to Church, Synagogue, Place of Worship or Place Owned by Religious, Educational Worship.
- ☐ 1170.81 PC - Victim of Attempted Life Term Crime Was a Peace Officer.
- ☐ 1170.82 PC - Providing Controlled Substance to Person Who is Pregnant, Has Prior Violent Felony Conviction, or is in Psychological Treatment.
- ☐ 1170.84 PC - Serious Felony - Defendant Engaged in Tying, Binding or Confining Victim.
- ☐ 1170.85 PC - (a) PC - Felony Assault/Battery to Prevent or Dissuade a Witness or Against One Who Gives Information to Authorities.
(b) PC - Victim Vulnerable or Unable to Defend Him or Herself Due to Age or Significant Disability.

Badue
CC214061

STATUTORY AGGRAVATORS: (con't)

- ☐ 1170.86 PC - Felony Conviction of 220, 261, 261.5 266j or 269 Within Safe School Zone With Student Victim.
- ☐ 1170.89 PC - Firearm Related to Possession, Use, Furnishing or Supplying Firearm Enhancement was Stolen.
- ☐ 11373(b) HS- Commit 11353, 11354, 11380 After Failure to Complete Court Ordered Education or Treatment Program.
- ☐ No Aggravators

CIRCUMSTANCES IN MITIGATION

Applicable Factors are marked:

CRIME RELATED FACTORS/RULE 4.423:

- ☐ (a) (1) The defendant was a passive participant or played a minor role in the crime.
- ☐ (a) (2) The victim was an initiator of, willing participant in, or aggressor or provoker of the incident.
- ☐ (a) (3) The crime was committed because of an unusual circumstance, such as great provocation, which is unlikely to recur.
- ☐ (a) (4) The defendant participated in the crime under circumstances of coercion or duress, or the criminal conduct was partially excusable for some other reason not amounting to a defense.
- ☐ (a) (5) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
- ☐ (a) (6) The defendant exercised caution to avoid harm to persons or damage to property, or the amounts of money or property taken were deliberately small, or no harm was done or threatened against the victim.
- ☐ (a) (7) The defendant believed that he or she had a claim or right to the property taken, or for other reasons mistakenly believed that the conduct was legal.
- ☐ (a) (8) The defendant was motivated by a desire to provide necessities for his or her family or self.
- ☐ (a) (9) The defendant suffered from repeated or continuous physical, sexual, or psychological abuse inflicted by the victim of the crime; and the victim of the crime, who inflicted the abuse, was the defendant's spouse, intimate cohabitant, or parent of the defendant's child; and the facts concerning the abuse do not amount to a defense.

Badue
CC214061

DEFENDANT RELATED FACTORS/RULE 4.423:

- ☐ (b) (1) The defendant has no prior record, or an insignificant record of criminal conduct, considering the recency and frequency of prior crimes.
- ☐ (b) (2) The defendant was suffering from a mental or physical condition that significantly reduced culpability for the crime.
- ☐ (b) (3) The defendant voluntarily acknowledged wrongdoing prior to arrest or at an early stage of the criminal process.
- ☐ (b) (4) The defendant is ineligible for probation and, but for that ineligibility, would have been granted probation.
- ☐ (b) (5) The defendant made restitution to the victim.
- ☐ (b) (6) The defendant's prior performance on probation or parole was satisfactory.
- ☒ No Mitigators

JPQH V39 QUERY SINGLE CEN HISTORY 02/20/2003 11:58 PAGE: 1
 SANTA CLARA COUNTY ARREST AND DISPOSITION HISTORY
 PFN: BGN149 LNAM: BADUE FNAM: STEVE MNAM: NMN GEN:
 CASE#/PURPOSE: PSI/MATTSON HISTORY NOT REC'D WRONG PFN ON JSQD BGN149
CONTROLLED DOCUMENT

HAS COMPLIED WITH PC296 ON 09/04/2001

PERSON DATA
 ALIASES: BADUE STEVE KENT
 BADUE STEVE
 BADUE STEVE
 BADUE STEVE
 BADUE STEVEN NMN
 BADUE STEVEN KENT

Released by SCCAPD to:

DA: ☒ Date 3-3-3 By: SM
 ATT: ☒ Date ☒ By: ☒
 Other: ☒ Date ☒ By: ☒
 3 MORE ALIASES

ID: 05/01/1998

PHOTO: 09/17/2002

DECEASED:

SEX RACE/TRANSL	DOB	POB	HGHT	WGHT	HAIR	EYES
M B BLACK	01/04/1966	MS	600	200	BLACK	BROWN

CII: FBI#: DANG: 060988 SUPD:
 SSN: 554-73-9441 2 MORE SSNS DLN: CAC6555444 1 MORE DLNS
 CDC: NONE

S N A G

REG: Y Y

NEXP: 05/23/2009 AEXP:

GEXP:

TREATMENT CT:

 ORIGINATING CENS

 ORIG CEN BOOK DATE BOOK TYPE RELEASE STATUS
 02505160 03/04/2002 ARREST WARRANT ISSUANCE
 STAY DT/CD: VER IND: NONE
 AAG ARR OFFCR OFCN DASN
 SAN JOSE PD 2836 - MARTINEZ
 IN PROCESS *1p*

CRT-DOCKET: SJ 43470-CC241061 FILED: 03/04/2002 DA CASE #: 020305786

** ARREST WARRANT ISSUED 03/04/2002 BY SJ 43470-CC241061 CEN: 02505160 **

BOOK DATE	BOOK TYPE	RELEASE	STATUS
09/17/2002	LOCAL ARREST WARRANT		HELD

* ARREST WARRANT SERVICE BOOKING SJ 43470-CC241061 CEN: 02505160 09/17/2002
 BOOKING CEN: 02054769 STAY DT/CD: VER IND: VERIF
 AAG ARR OFFCR OFCN DASN
 SAN JOSE PD - GOULD WARRANT

CRT-DOCKET: SU 43100-CC241061 FILED: 10/15/2002 DA CASE #: 020305786

 ORIG CEN BOOK DATE BOOK TYPE RELEASE STATUS
 01034787 06/18/2001 ENROUTE 06/22/2001 06:30 CDC
 STAY DT/CD: VER IND: VERIF
 AAG ARR OFFCR OFCN DASN
 CDC - PAROLE - DAVIS
 IN PROCESS *Transferred to CDC parole violation*

JPQH V39 QUERY SINGLE CEN HISTORY 02/20/2003 11:58 PAGE: 2
 SANTA CLARA COUNTY ARREST AND DISPOSITION HISTORY
 PFN: BGN149 LNAM: BADUE FNAME: STEVE MNAM: NMN GEN:
 CASE#/PURPOSE: PSI/MATTSON HISTORY NOT REC'D WRONG PFN ON JSQD BGN149

ORIG CEN BOOK DATE BOOK TYPE RELEASE STATUS
 01007976 02/09/2001 ENROUTE 02/16/2001 07:03 CDC
 STAY DT/CD: VER IND: VERIF
 AAG ARR OFFCR OFCN DASN
 CDC - PAROLE - T.B.DAVIS
 IN PROCESS

*****transferred to CDC parole violation*****

ORIG CEN BOOK DATE BOOK TYPE RELEASE STATUS
 99056618 10/01/1999 ONVIEW 02/25/2000 05:56 SANG
 STAY DT/CD: VER IND: VERIF
 AAG ARR OFFCR OFCN DASN
 SAN JOSE PD - MARTINEZ 992741271
 BOOKING CHARGES: M/F DSP DDSP
 HS 11350 F CMBND OTHER COUNT/CASE 10/07/1999
 HS 11550 M CMBND OTHER COUNT/CASE 10/07/1999
 PC 314.1 F TRANSFER PROSECUTION 10/22/1999
 VC 21955 I TRAFFIC-NONREPORT DISP 12/09/1999
 VC 40508(A) I TRAFFIC-NONREPORT DISP 12/09/1999

CRT-DOCKET: SJ 43470-H2171746 FILED: 07/13/1999 DA CASE #:
 CHARGE M/F PRS ENHC
 VC 21955 I
 DISPOSITION: DSMSD/INT OF JU PC1385 DDSP: 12/09/1999
 CHARGE M/F PRS ENHC
 VC 40508(A) M
 DISPOSITION: DSMSD/INT OF JU PC1385 DDSP: 12/09/1999

CRT-DOCKET: SJ 43470-C9947075 FILED: 10/06/1999 DA CASE #: 991028159
 CHARGE M/F PRS ENHC
 PC 314.1 F
 DISPOSITION: HELD TO ANSWER DDSP: 10/25/1999
 CHARGE M/F PRS ENHC
 HS 11350(A) F
 DISPOSITION: HELD TO ANSWER DDSP: 10/25/1999
 CHARGE M/F PRS ENHC
 HS 11550(A) M 2
 DISPOSITION: CERTIFIED TO SUP CT DDSP: 10/25/1999

CRT-DOCKET: SU 43100-C9947075 FILED: 11/08/1999 DA CASE #: 991028159
 CHARGE M/F PRS ENHC
 PC 314.1 F
 DISPOSITION: DISMISSED DDSP: 01/06/2000
 CHARGE M/F PRS ENHC
 HS 11350(A) M 2
 DISPOSITION: CONVICTED DDSP: 01/06/2000
 SENTENCE: 02/18/2000
 FEES: \$100.00 DA CRIM LAB FEE
 \$200.00 RESTITUTION FINE
 MISC: PAY TO DEPT OF REVENUE
 PRISON: 16 MONTHS CALIFORNIA DEPT CORRECTIONS, LOWER TERM,
 TOTAL CREDIT: 211 DAYS

JPQH V39 QUERY SINGLE CEN HISTORY 02/20/2003 11:58 PAGE: 3
 SANTA CLARA COUNTY ARREST AND DISPOSITION HISTORY
 PFN: BGN149 LNAM: BADUE FNAME: STEVE MNAM: NMN GEN:
 CASE#/PURPOSE: PSI/MATTSON HISTORY NOT REC'D WRONG PFN ON JSQD BGN149

PRISON ENH:

NOTE: ADV 3YRS PAROLE. TOTAL CDC TERM 16MOS. TRANSPORT
 FORTHWITH.

CHARGE M/F PRS ENHC
 HS 11550(A) M 2

DISPOSITION: CONVICTED DDSP: 01/06/2000

SENTENCE: 02/18/2000

JAIL: 211 DAYS COUNTY JAIL CONCURR, TOTAL CREDIT: 211 DAYS

 ORIG CEN BOOK DATE BOOK TYPE RELEASE STATUS

[REDACTED]

[REDACTED]

[REDACTED]

 ORIG CEN BOOK DATE BOOK TYPE RELEASE STATUS
 98322292 09/14/1998 ONVIEW 04/22/1999 23:53 RAC
 STAY DT/CD: VER IND: VERIF
 AAG ARR OFFCR OFCN DASN
 SAN JOSE PD - JIMENEZ 982570197
 BOOKING CHARGES: M/F DSP DDSP
 PC 290(G)(1) M 849B-OTHER UNSPECIFIED 09/14/1998
 PC 314.1 F TRANSFER PROSECUTION 09/30/1998

CRT-DOCKET: SJ 43470-C9801201 FILED: 09/16/1998 DA CASE #: 980922763
 CHARGE M/F PRS ENHC
 PC 290(G)(2) F
 DISPOSITION: HELD TO ANSWER DDSP: 10/05/1998
 CHARGE M/F PRS ENHC
 PC 290(G)(2) F DDSP: 10/05/1998
 DISPOSITION: HOLDING DENIED
 CHARGE M/F PRS ENHC
 HS 11350(A) F
 DISPOSITION: DSMSD/INSUF EVIDENCE DDSP: 10/05/1998

JPQH V39 QUERY SINGLE CEN HISTORY 02/20/2003 11:58 PAGE: 4
 SANTA CLARA COUNTY ARREST AND DISPOSITION HISTORY
 PFN: BGN149 LNAM: BADUE FNAME: STEVE MNAM: NMN GEN:
 CASE#/PURPOSE: PSI/MATTSON HISTORY NOT REC'D WRONG PFN ON JSQD BGN149

CRT-DOCKET: SU 43100-208774 FILED: 10/19/1998 DA CASE #: 980922763
 CHARGE M/F PRS ENHC
 PC 290(G)(2) (F)

DISPOSITION: CONVICTED DDSP: 11/02/1998
 SENTENCE: 11/02/1998
 JAIL: 90 DAYS COUNTY JAIL, TOTAL CREDIT: 25 DAYS
 FEES: \$200.00 RESTITUTION FINE
 CJAF FEES: \$141.00
 MISC: PAY TO DEPT OF REVENUE, SEX REGISTRATION
 PROBATION: 90 DAYS FORMAL PROB TERMINATES ON RLSE
 NOTE: CJAF/SAN JOSE.

CHARGE M/F PRS ENHC
 PC 290(G)(2) F

DISPOSITION: DSMSD/VIEW OF PLEA DDSP: 11/02/1998

 ORIG CEN BOOK DATE BOOK TYPE RELEASE STATUS
 98526306 08/18/1998 CRIMINAL CITATION
 STAY DT/CD: VER IND: NONE
 AAG ARR OFFCR DFCN DASN
 SJS UNIV PD W7107 - WONG 981637
 BOOKING CHARGES: M/F DSP DDSP
 HS 11550(A) M FILED

CRT-DOCKET: SJ 43470-C9898023 FILED: 08/24/1998 DA CASE #: 980922663
 CHARGE M/F PRS ENHC

HS 11550(A) M
 DISPOSITION: AMENDED MISCELLANEOUS DDSP: 09/18/1998
 CHARGE M/F PRS ENHC

HS 11550(A) (M) 3 4
 DISPOSITION: CONVICTED DDSP: 10/27/1998

SENTENCE: 10/27/1998, IMPOSITION SENT SUSPENDED
 3 DAYS COUNTY JAIL, ACTUAL CREDIT: 28 DAYS
 FEES: \$100.00 RESTITUTION FINE
 MISC: NARCOTIC REGISTRATION
 PROBATION: 3 YEARS COURT PROBATION
 PROBATION FINE: \$0.00 FINE CONCURRENT
 ORDER CODE: OBEY ALL LAWS
 SEARCH SEARCH/SEIZURE
 TESTING
 NOTE: /RV

BOOK DATE BOOK TYPE RELEASE STATUS
 09/14/1998 ONVIEW 04/22/1999 23:53 RAC
 * REMAND BOOKING * 43470-C9898023 CEN: 98526306
 BOOKING CEN: 98322292 STAY DT/CD: VER IND: VERIF
 AAG ARR OFFCR DFCN DASN
 SAN JOSE PD - JIMENEZ 982570197

 CASES CONVERTED FROM CJIC

JPGH V39 QUERY SINGLE CEN HISTORY 02/20/2003 11:58 PAGE: 5
 SANTA CLARA COUNTY ARREST AND DISPOSITION HISTORY
 PFN: BGN149 LNAM: BADUE FNAME: STEVE MNAM: NMN GEN:
 CASE#/PURPOSE: PSI/MATTSON HISTORY NOT REC'D WRONG PFN ON JSQD BGN149

CEN	BOOK DATE	BOOK TYPE	RELEASE	STATUS
9437632	09/26/1994	ONVIEW	09/26/1994 22:40	SCIT
STAY DT/CD:		VER IND: UNKNOWN		
AAG	ARR OFFCR	OFCN	DASN	
SAN JOSE PD	2006 -	942690772		
BOOKING CHARGES:		DSP	DDSP	
HS 11364	M	849B-OTHER UNSPECIFIED	09/26/1994	
HS 11550	M	CMBND OTHER COUNT/CASE	10/05/1994	
PC 314	M	CMBND OTHER COUNT/CASE	10/05/1994	

CRT-DOCKET: SJ 43470-C9411043 FILED: 10/05/1994 DA CASE #:
 CHARGE M/F PRS ENHC
 PC 314.1 F
 DISPOSITION: HELD TO ANSWER DDSP: 07/25/1995
 CHARGE M/F PRS ENHC
 HS 11550(A) M
 DISPOSITION: AMENDED PER PC17 DDSP: 11/21/1994
 CHARGE M/F PRS ENHC
 HS 11550(A) M 3
 DISPOSITION: CERTIFIED TO SUP CT DDSP: 07/25/1995

CEN	BOOK DATE	BOOK TYPE	RELEASE	STATUS
* BENCH WARRANT SERVICE BOOKING	06/27/1995	LOCAL BENCH WARRANT	09/25/1995 20:40	SREL
CEN: 9437632			06/27/1995	
BOOKING CEN: 95024967		STAY DT/CD:	VER IND: NONE	
AAG	ARR OFFCR	OFCN	DASN	
SAN JOSE PD	1454 - PORTER			

CRT-DOCKET: SU 43100-182210 FILED: 08/07/1995 DA CASE #:
 CHARGE M/F PRS ENHC
 PC 314.1 M
 DISPOSITION: CONVICTED DDSP: 09/25/1995
 SENTENCE: 09/25/1995
 JAIL: 91 DAYS COUNTY JAIL, TOTAL CREDIT: 91 DAYS
 FEES: \$100.00 RESTITUTION FINE
 MISC: PAY TO DEPT OF REVENUE
 PROBATION: 91 DAYS FORMAL PROBATION
 CHARGE M/F PRS ENHC
 HS 11550(A) M 3
 DISPOSITION: CONVICTED DDSP: 09/25/1995
 SENTENCE: 09/25/1995
 JAIL: 91 DAYS COUNTY JAIL, TOTAL CREDIT: 91 DAYS
 PROBATION: 91 DAYS FORMAL PROBATION

CEN	BOOK DATE	BOOK TYPE	RELEASE	STATUS
9419755	05/20/1994	ONVIEW	09/23/1994 23:30	SREL
STAY DT/CD:		VER IND: UNKNOWN		
AAG	ARR OFFCR	OFCN	DASN	
SJS UNIV PD	J7503 -	941400864		

JPGH V39 QUERY SINGLE CEN HISTORY 02/20/2003 11:58 PAGE: 6
 SANTA CLARA COUNTY ARREST AND DISPOSITION HISTORY
 PFN: BGN149 LNAM: BADUE FNAME: STEVE MNAM: NMN GEN:
 CASE#/PURPOSE: PSI/MATTSON HISTORY NOT REC'D WRONG PFN ON JSQD BGN149

BOOKING CHARGES:	M/F	DSP	DDSP
PC 243(B)	M	849B-OTHER UNSPECIFIED	05/20/1994
PC 647(C)	M	PRIOR BOOKING	05/20/1994
HS 11550(A)	M	PRIOR BOOKING	05/20/1994
MC 13.44.140	M	TRAFFIC-NONREPORT DISP	05/20/1994
PC 647(C)	M	FILED	

CRT-DOCKET: SJ 43470-H1234713 FILED: 08/24/1993 DA CASE #:
 CHARGE M/F PRS ENHC
 MC 13.44.140 I
 DISPOSITION: CONVICTED DDSP: 05/24/1994
 SENTENCE: 05/24/1994, SENTENCE SUSPENDED

CRT-DOCKET: SJ 43470-C9483381 FILED: 03/24/1994 DA CASE #:
 CHARGE M/F PRS ENHC
 PC 647(C) M
 DISPOSITION: DISMISSED DDSP: 05/24/1994

CRT-DOCKET: SJ 43470-C9492377 FILED: 05/23/1994 DA CASE #:
 CHARGE M/F PRS ENHC
 PC 243.1 M
 DISPOSITION: CONVICTED DDSP: 05/31/1994
 SENTENCE: 05/31/1994
 JAIL: 30 DAYS COUNTY JAIL CONSECUTV
 NOTE: CTS 12D,CNS/ANY & C9481487,COMMITTED.. KH

[REDACTED]

[REDACTED]

CEN	BOOK DATE	BOOK TYPE	RELEASE	STATUS
9351040	12/27/1993	ONVIEW	12/27/1993 09:00	SCIT
STAY DT/CD:		VER IND: UNKNOWN		
AAG	ARR OFFCR	OFCN	DASN	
SAN JOSE PD 2938 -		933610180		
BOOKING CHARGES:	M/F	DSP	DDSP	
HS 11550(A)	M	FILED		

JPGH V39 QUERY SINGLE CEN HISTORY 02/20/2003 11:58 PAGE: 7
 SANTA CLARA COUNTY ARREST AND DISPOSITION HISTORY
 PFN: BGN149 LNAM: BADUE FNAME: STEVE MNAM: NMN GEN:
 CASE#/PURPOSE: PSI/MATTSON HISTORY NOT REC'D WRONG PFN ON JSQD BGN149

CRT-DOCKET: SJ 43470-C9481487 FILED: 02/22/1994 DA CASE #:
 CHARGE M/F PRS ENHC
 HS 11550(A) (M) 9 2
 DISPOSITION: CONVICTED DDSP: 05/31/1994
 SENTENCE: 05/31/1994
 JAIL: 180 DAYS COUNTY JAIL CONSECTV
 NOTE: CTS 12D,CNS/ANY & OTHER,REG PURS 11590HS,NO PROG. KH

 CEN BOOK DATE BOOK TYPE RELEASE STATUS
 9350292 12/20/1993 LOCAL BENCH WARRANT 12/21/1993 01:34 SCIT
 STAY DT/CD: VER IND: UNKNOWN
 AAG ARR OFFCR OFCN DASN
 SJS UNIV PD L7171 - 933542230
 BOOKING CHARGES: M/F DSP DDSP
 MC 13.44.140 M TRAFFIC-NONREPORT DISP 12/20/1994

 CEN BOOK DATE BOOK TYPE RELEASE STATUS
 9339588 09/25/1993 LOCAL BENCH WARRANT 11/22/1993 06:50 SREL
 STAY DT/CD: VER IND: UNKNOWN
 AAG ARR OFFCR OFCN DASN
 SJS UNIV PD DB19 - 932681633
 BOOKING CHARGES: M/F DSP DDSP
 MC 10.20.140D M PRIOR BOOKING 09/25/1993
 HS 11550 M PRIOR BOOKING 09/25/1993
 PC 242/243(C) M COURT FILED CHARGE 09/25/1993
 PC 135 M COURT FILED CHARGE 09/25/1993
 HS 11550(A) M COURT FILED CHARGE 09/25/1993
 HS 11364 M COURT FILED CHARGE 09/25/1993
 PC 242/243(C) M FILED
 HS 11550(A) M FILED
 HS 11364 M FILED
 PC 135 M FILED
 PC 647(B) M COMMITMENT 10/04/1993
 PC 314.1 M COMMITMENT 10/04/1993

CRT-DOCKET: SJ 43470-C9348487 FILED: 08/25/1993 DA CASE #:
 CHARGE M/F PRS ENHC
 PC 242/243(C) (M) 8
 DISPOSITION: CONVICTED DDSP: 09/27/1993
 SENTENCE: 09/27/1993
 JAIL: 90 DAYS COUNTY JAIL
 NOTE: CTS 3 DAYS;REG PURS HS11590. JP
 CHARGE M/F PRS ENHC
 HS 11550(A) (M) 1
 DISPOSITION: CONVICTED DDSP: 09/27/1993
 SENTENCE: 09/27/1993
 JAIL: 90 DAYS COUNTY JAIL CONCURR
 NOTE: CTS 3 DAYS.
 CHARGE M/F PRS ENHC
 HS 11364 (M) 6

JPGH V39 QUERY SINGLE CEN HISTORY 02/20/2003 11:58 PAGE: 8
 SANTA CLARA COUNTY ARREST AND DISPOSITION HISTORY
 PFN: BGN149 LNAM: BADUE FNAM: STEVE MNAM: NMN GEN:
 CASE#/PURPOSE: PSI/MATTSON HISTORY NOT REC'D WRONG PFN ON JSQD BGN149

DISPOSITION: CONVICTED DDSP: 09/27/1993

SENTENCE: 09/27/1993
 JAIL: 10 DAYS COUNTY JAIL CONCURR
 NOTE: CTS 3 DAYS C/C W/CT 1.JP

CHARGE M/F PRS ENHC
 PC 135

DISPOSITION: CONVICTED DDSP: 09/27/1993

SENTENCE: 09/27/1993
 JAIL: 10 DAYS COUNTY JAIL CONCURR
 NOTE: CTS 3DAYS C/C W/CT1.JP

 CEN BOOK DATE BOOK TYPE RELEASE STATUS
 9331181 08/04/1993 ONVIEW 08/04/1993 17:00 SCIT

STAY DT/CD: VER IND: UNKNOWN
 AAG ARR OFFCR OFCN DASN
 SAN JOSE PD I3054 - 932160398
 BOOKING CHARGES: M/F DSP DDSP
 PC 314 M CMBND OTHER COUNT/CASE 08/19/1993
 PC 647(B) M FILED

CRT-DOCKET: SJ 43470-C9349405 FILED: 08/19/1993 DA CASE #:

CHARGE M/F PRS ENHC
 PC 314.1

DISPOSITION: CONVICTED DDSP: 10/04/1993

SENTENCE: 10/04/1993
 JAIL: 120 DAYS COUNTY JAIL
 NOTE: HIV TESTING & CSLG WHILE IN CUSTODY; REG PURS PC290; COMM

CHARGE M/F PRS ENHC
 PC 647(B)

DISPOSITION: CONVICTED DDSP: 10/04/1993

SENTENCE: 10/04/1993
 JAIL: 120 DAYS COUNTY JAIL CONCURR
 NOTE: JT CONC W/CT1; COMMITTED. AB

 CEN BOOK DATE BOOK TYPE RELEASE STATUS

[REDACTED]

 CEN BOOK DATE BOOK TYPE RELEASE STATUS
 4324218 07/22/1993 CRIMINAL CITATION

STAY DT/CD: VER IND: UNKNOWN
 AAG ARR OFFCR OFCN DASN
 SAN JOSE PD 2728 - 931961313

JPQH V39 QUERY SINGLE CEN HISTORY 02/20/2003 11:58 PAGE: 9
 SANTA CLARA COUNTY ARREST AND DISPOSITION HISTORY
 PFN: BGN149 LNAM: BADUE FNAME: STEVE MNAM: NMN GEN:
 CASE#/PURPOSE: PSI/MATTSON HISTORY NOT REC'D WRONG PFN ON JSQD BGN149

BOOKING CHARGES: M/F DSP DDSP
 HS 11550 M FILED

CRT-DOCKET: SJ 43470-C9352084 FILED: 07/28/1993 DA CASE #:
 CHARGE M/F PRS ENHC
 HS 11550 (M)

DISPOSITION: CONVICTED DDSP: 09/27/1993

SENTENCE: 09/27/1993

JAIL: 90 DAYS COUNTY JAIL CONCURR

NOTE: CTS 3 DAYS C/C W/ANY; REG HS11590; JP

CEN BOOK DATE BOOK TYPE RELEASE STATUS
 4320390 06/19/1993 CRIMINAL CITATION

STAY DT/CD:

VER IND: UNKNOWN

AAG

ARR OFFCR

OFCN

DASN

SAN JOSE PD

2645 -

BOOKING CHARGES:

M/F

DSP

DDSP

MC 10.20.140

M

CMEND OTHER COUNT/CASE 06/22/1993

CRT-DOCKET: SJ 43470-C9346600 FILED: 06/22/1993 DA CASE #:

CHARGE M/F PRS ENHC

MC 10.20.140D

(M) 2

DISPOSITION: CONVICTED DDSP: 09/27/1993

SENTENCE: 09/27/1993, SENTENCE SUSPENDED

CEN BOOK DATE BOOK TYPE RELEASE STATUS
 9316519 04/23/1993 LDCAL BENCH WARRANT 04/26/1993 23:00 SREL

STAY DT/CD:

VER IND: VERIF

AAG

ARR OFFCR

OFCN

DASN

SJS UNIV PD

V4365 -

931130771

BOOKING CHARGES:

M/F

DSP

DDSP

PC 374.3(A)

I

PRIOR BOOKING

04/23/1993

PC 148(A)

M

PRIOR BOOKING

04/23/1993

VC 21456(B)

I

PRIOR BOOKING

04/23/1993

CEN BOOK DATE BOOK TYPE RELEASE STATUS
 9066968 12/10/1990 ONVIEW 12/10/1990 21:50 SCIT

STAY DT/CD:

VER IND: UNKNOWN

AAG

ARR OFFCR

OFCN

DASN

SAN JOSE PD

2342 -

903440611

BOOKING CHARGES:

M/F

DSP

DDSP

PC 148(A)

M

FILED

VC 21456(B)

I

FILED

CRT-DOCKET: SJ 43470-C9131927 FILED: 02/19/1991 DA CASE #:

CHARGE M/F PRS ENHC

PC 148(A)

(M) 1

DISPOSITION: CONVICTED DDSP: 04/26/1993

SENTENCE: 04/26/1993

JAIL: 4 DAYS COUNTY JAIL

NOTE: CTS. 4 DYS.

JPGH V39 QUERY SINGLE CEN HISTORY 02/20/2003 11:58 PAGE: 10
 SANTA CLARA COUNTY ARREST AND DISPOSITION HISTORY
 PFN: BGN149 LNAM: BADUE FNAM: STEVE MNAM: NMN GEN:
 CASE#/PURPOSE: PSI/MATTSON HISTORY NOT REC'D WRONG PFN ON JSQD BGN149

CHARGE VC 21456(B) M/F PRS ENHC
 I
 DISPOSITION: CONVICTED DDSP: 04/26/1993
 SENTENCE: 04/26/1993, SENTENCE SUSPENDED

CEN	BOOK DATE	BOOK TYPE	RELEASE	STATUS
8557428	11/07/1985	LOCAL ARREST WARRANT	11/26/1985 10:30 A	

 STAY DT/CD: VER IND: UNKNOWN
 AAG ARR OFFCR OFCN DASN
 OTHER T4369 - CYA HOLD
 BOOKING CHARGES: M/F DSP DDSP
 WI 1767.3 F TRANSFER PROSECUTION 11/07/1985

CEN	BOOK DATE	BOOK TYPE	RELEASE	STATUS
8253003	03/17/1982	ONVIEW	04/17/1982 15:00 A	

 STAY DT/CD: VER IND: UNKNOWN
 AAG ARR OFFCR OFCN DASN
 OTHER B1210 - NONE
 IN PROCESS

CRT-DOCKET: SJ 43470-CB270848 FILED: 04/02/1982 DA CASE #:

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 DO NOT DUPLICATE

*** END OF LIST ***

10/30/97 San Joaquin County
 docket # 97-21844 re SC062423A
 314.1 PC felony
 5 yrs probation, 6 mos. jail

SUPERIOR COURT
190 WEST HEDDING ST. ET
SAN JOSE, CA 95110
PEOPLE VS. STEVE BADUE
L.K.A. TRANSIENT

JUDGE HON. RISE J. PICHON
REPORTER T. MORRIS C. ROCHA
DEF. ATTY. DANTO, PANDY D.A. S. DICK
CHARGES F(C01)PC290(G)(2)

CASE NO. CC241061
CEN 02505160
DATE 03/06/2003 1:30 PM DEPT. 36
01/04/1966 CAC0655444
CLERK J. OLIVAREZ BQN149 M
HEARING PROBATION AND SENTENCING
AGENCY SJ-04313-2836 -MARTINEZ
STATUS I-SET -100000 TW ?
APO D-SALAS

VIOLATION DATE
02/27/2002

NEXT APPEARANCE

☒ Defendant Present ☐ Not Present ☒ Atty Present R. DANTO AD ☒ Legal Aide / Special App
☐ WFA ☐ Arr'd ☐ Amended complt ☐ Arr ☐ Plea ☐ IDC ☐ Prob / Sent ☐ Interp
☐ PC977 Waiver ☐ Filed ☐ On file ☐ Bail / OR / SORP ☐ Rect Dr Rpt ☐ FAR ☐ Pretrial Services to Contact Gateway for Assm't
☐ NG ☐ Entered by CRT ☐ NGBRI / Adv ☐ PSet ☐ Prelim ☐ PTC ☐ S/B MTC ☐ Bail Reinstated ☐ Bail Exonerated
☐ Priors / Allegations / Enhancements Denied ☐ Further ☐ Jury ☐ CT ☐ Peo/Def War Jury ☐ Forfeited ☐ Bond #
☐ TW ☐ TNW ☐ TW / WD ☐ for Sent ☐ Proof of ☐ Reassumption Filed ☐ Forfeiture Set Aside
☐ Ref / Appt PD / ADO ☐ Conflict Decl ☐ Ref'd ☐ Costs Within 30 Days to Court
☐ Relieved ☐ Appt'd ☐ Crim Proc Susp ☐ Rein ☐ SORP / OR ☐ Revoked ☐ Reinstated
☐ Hrg on Motion ☐ Doubt Decl Pursuant PC 1368 ☐ BW Ordered \$ ☐ Stayed
☐ Granted ☐ Den ☐ Subm ☐ OC ☐ Subm on rept ☐ Found ☐ BW Set Aside ☐ Recalled ☐ To Issue
☐ Drs. Appointed ☐ Max Term ☐ Committed ☐ Other
☐ Prelim Waived ☐ Certified to General Jurisdiction ☐ MDA / COM Amended to ATTORNEY FEES WAIVED

PLEA Conditions: ☐ None ☐ No State Prison ☐ PC17 after 1 Yr Prob ☐ Includes VOP
☐ Jail / Prison Term of ☐ Dismissal / Striking ☐ Subm time of sent
☐ Adv ☐ Max Pen ☐ Parole/Probation ☐ Appeal ☐ Immig ☐ Reg PC290/HS11590/PC457.1/PC186.30 ☐ Future serious felony prior ☒ PC1201 (gun)
☐ Waives Constt Rights ☐ Written Waiver filed ☐ PC17 REDUCTION ☐ Waives Arbuckle ☐ Harvey Stip
☐ COP PLEADS ☐ GUILTY ☐ NOLO CONTENDERE to charges & admits enhs/priors (see below) ☐ Factual Basis found ☐ Findings stated
☐ Notice of Eligibility Filed ☐ DEJ Granted ☐ Rpt to DADS ☐ DEJ Rein ☐ DEJ Term ☐ Guilty Plea Rendered
☐ Waives Referral ☐ Ref'd to APO Full Rpt ☒ PROBATION DENIED **FINES/FEES:** PAY TO ☐ Ref to DOR ☐ COURT
☐ Sentenced to ☐ State Prison/County Jail ☐ Sent Suspended **COUNT** \$ ☐ + PA \$ ☐ Purs HS11350d
PROBATION ☐ Execution ☐ Imposition of sentence suspended for probation period **COUNT** \$ ☐ + PA \$ ☐
☐ COURT ☐ FORMAL PROBATION GRANTED for ☐ Days / Mos / Yrs **DPF / AIDS** \$ ☐ + PA \$ ☐
☐ Report to APO within ☐ Days ☐ Upon Release ☐ Terminated **DRF / AID** \$ 400 Add'l RF \$ 400 Susp'd PC1202.45
☐ Commun Altern Program ☐ Perform ☐ hrs Volunteer Work **DEJ** \$ CTS PC 2900.5 \$ ☐
☐ Submit Search / Testing ☐ Educ / Voc Trng / Empl **AEF** \$ ☐ **TOTAL DUE** \$ ☐
☐ Not drive w/o valid DL & Ins ☐ DVPO issued / mod / term Exp **ADPA** \$ ☐ Committed @ \$ ☐ /Day
☐ Not own/possess deadly weapons ☐ Weapon ordered destroyed **LAB** \$ ☐ Consec/Conc to ☐
☐ No contact w/victim or family / co-defts unless appr by APO ☐ PC1202.05 **NC** \$ ☐ Payments Granted / Modified
☐ No alcohol / drugs or where sold ☐ Restitution **ASF / CPF** \$ ☐ / Mo beginning ☐
☐ Substance abuse, Domestic Violence, Psychological, Parenting cnsl / prgm **AR** \$ ☐ FINE STAYED
☐ PC296 (DNA) ☐ PC1202.1 (Aids Testing) ☐ Aids Education Program **SHELTER** \$ ☐ Fine Deemed Satisfied ☐ Commuted
Other: NOTICE OF APPEAL FILED **DV** \$ ☐ Vol Wk ☐ Hrs in Lieu of Fine
VOP: ☐ Arr'd VOP ☐ Admits/Denies Violation ☐ Court Finds VOP / No VOP **ATTY** \$ ☐ DSA thru APO / DOR / CRT ☐ Filed
☐ Prob Rein / Mod / Term / Revoked / Remains Revoked / Ext to **P/INV** \$ ☐ P/SUP \$ ☐ /Mo
☐ Original Terms & Conditions Except as Amended Herein **CJAF** \$ ☐ to ☐
☐ Cotermious with ☐ No Further Penalties **Restitution** \$ ☐ to ☐

JAIL/PRISON ☐ See Attach'm't Pg for Add'l Orders, Charges, PC1385 Reasons ☐ Referred to VWAC ☐ As Determined APO / CRT

Count	F/M	Violation	Prison Term / Yrs	Enhancement / Priors	Yrs / Styd / Strkn	County Jail
1	F	PC290(G)(2)	(M) 2 YR.			

Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Total
PC667.5(b) 1 YR → STRICKEN PURSUANT TO PC 1385 90 1

CTS = 144 ACT + 72 PC4019 PC2933.1 = 210 TOTAL DAYS TOTAL TERM 2 YEARS
☒ Straight time ☐ WWP ☐ PC1209 Fees ☐ Waived ☐ Court Rec ☐ Except ☐ EMP/PSP/WF/ERP/DRP/Co Parole/NP
☐ Sent Deemed Svrd ☐ Rpt to Local Parole ☒ Adv of 3 Yrs Parole/Appeal Rights ☐ Consec ☐ Conc to
☐ Bal CJ Susp ☐ All but ☐ Days/Mos ☐ On Cond Complete Residential Treatment Prgm ☐ Serve Consec MO/TU/WE/TH/FR/SA/SU
☐ Pre-process ☐ AM/PM ☐ Stay/Surrender Transport to ☐ AM/PM or Sooner

☐ REMANDED-BAIL \$ ☐ NO BAIL ☒ COMMITTED ☐ RELEASED ☐ OR ☐ SORP ☐ DOC TO CONTACT JAC FOR ASSMT
☐ AS COND OF SORP ☐ BAIL INCREASED / REDUCED ☐ TO PRGM AS REC BY JAC-DOC TO TRANSPORT FOR BALANCE OF JAIL
DISTRIBUTION: BLACK - FILE COPY, GREEN - DOC, BLUE - CJIC, PURPLE - DOR/PROBATION, BROWN - DEFENDANT

**ABSTRACT OF JUDGMENT - PRISON COMMITMENT - DETERMINATE
SINGLE, CONCURRENT OR FULL-TERM CONSECUTIVE COUNT FORM**

[Not to be used for multiple count convictions or for 1/3 consecutive sentences.]

CR-290.1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA		BRANCH OR JUDICIAL DISTRICT HOJ	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: STEVE BADUE		DOB: 01-04-66	CASE NUMBER CC241061
AKA: STEVE KENT BADUE			
CIM:			
BOOKING INFORMATION: PFN BQN149 CEN: 02505160		<input type="checkbox"/> NOT PRESENT	
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT		<input type="checkbox"/> AMENDED ABSTRACT	
DATE OF HEARING 03-06-03	DEPT. NO. 36	JUDGE RISE J. PICHON	
CLERK J. OLIVAREZ	REPORTER J. ROCHA	PROBATION NUMBER OR PROBATION OFFICER D. SALAS	
COUNSEL FOR PEOPLE S. DICK		<input type="checkbox"/> State Attorney General COUNSEL FOR DEFENDANT R. DANTO	

1. Defendant was convicted of the commission of the following felony:

CONVICTION INFORMATION OF THE FOLLOWING INDIVIDUAL				CONVICTION YEAR	CONVICTION MONTH/DATE/YEAR	JURY	COURT	PLEA	L M U	IMPOSED PUNISHMENT	
CNT.	CODE	SECTION NO.	CRIME							YRS.	MOS.
1	PC	290(G)(2)	FAIL TO REGISTER AT DOB W/ PRIOR CONVICTION	2002	10-14-02			X	M	2	0

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENTS.

COUNT	ENHANCEMENT	YES	ENHANCEMENT	YES	ENHANCEMENT	YES	ENHANCEMENT	YES	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTION OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENTS.

ENHANCEMENT	YES	ENHANCEMENT	YES	ENHANCEMENT	YES	ENHANCEMENT	YES	TOTAL
PC667.5(B)	**S							

4. ☐ Defendant was sentenced pursuant to PC 667 (b)-(i) or PC 1170.12 (two-strikes).

5. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):

Restitution Fine of: \$400 per PC 1202.4(b) forthwith per PC 2085.5; \$400 per PC 1202.45 suspended unless parole is revoked.

Restitution per PC 1202.4(f): ☐ / ☐ Amount to be determined to: ☐ victim(s)* ☐ Restitution Fund

(*List victim name(s) if known and amount breakdown in item 7, below.)

Fine(s) [PA included]: \$ per PC 1202.5. \$ per VC 23550 or days ☐ county jail ☐ prison in lieu of fine ☐ CC ☐ CS

Lab Fee \$ per HS 11372.5(a) for counts ☐ Drug Program Fee of \$150 + PA per HS 11372.7(a).

6. TESTING: a. ☐ AIDS pursuant to PC 1202.1 b. ☐ DNA pursuant to PC 296 c. ☐ other (specify):

7. Other orders (specify): ATTY FEES WAIVED; PC12021(GUN); PROB DENIED; NOT OWN/POSSESS DEADLY WEAPONS; NOTICE OF APPEAL FILED

**PUNISHMENT STRICKEN PURS PC1385; ADV 3YRS PAROLE.

8. TOTAL TIME IMPOSED excluding county jail term:

2 0

9. ☐ This sentence is to run concurrent with (specify):

10. Execution of sentence imposed

a. ☒ at initial sentencing hearing.

b. ☐ at resentencing per decision on appeal.

c. ☐ after revocation of probation.

d. ☐ at resentencing per recall of commitment. (PC 1170(d).)

e. ☐ other (specify):

DATE SENTENCE PRONOUNCED	CREDIT FOR TIME SPENT IN CUSTODY	TOTAL DAYS INCLUDING:	ACTUAL LOCAL TIME	LOCAL CONDUCT CREDITS	<input checked="" type="checkbox"/> 4019 <input type="checkbox"/> 2833.1	SERVED TIME IN STATE INSTITUTION (number of days)
03-06-03		216	144	72		<input type="checkbox"/> DMH <input type="checkbox"/> CDC <input type="checkbox"/> CRC

12. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.

To be delivered to: ☒ reception center designated by Director, California Department of Corrections.

☐ Other (specify):

CLERK OF THE COURT: I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE TERESA TRAN	DATE 03-07-03
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This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

Form Adopted for Mandatory Use

Judicial Council of California

CR-290.1 [Rev. January 1, 2003]

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - DETERMINATE
SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM

Penal Code
§§ 1170, 1213, 1213.5

91

Criminal Case No. 241061

FILED

MAR 06 2003

CLERK OF COURT
Superior Court of California
County of Santa Clara
JOSE OLIVAREZ DEPUTY

Superior Court Of California
County Of Santa Clara

People of the State
of California,
Plaintiff,
vs.
Steve Badue,
Defendant.

No. CC 241061

Notice Of Appeal

Notice of appeal

Notice of appeal, is hereby gave in the above entitled court,
from the court's judgment entered in on February 3, 2003 and
March 6, 2003.

I declare by penalty of perjury, and by the laws of the State of
California, that the above statement is true and correct.

Signature of declarant: Steve Badue

Date of signature: March 6, 2003

92

Notice Of Appeal

Page 1 of 1

Criminal Case No. 241061

FILED

MAR 06 2003

KIRK BENDER
CLERK OF COURT
Superior Court of the County of Santa Clara
BY JOSE OLIVAREZ DEPUTY

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Superior Court Of California
County Of Santa Clara

People of the State
of California,
Plaintiff,
vs.
Steve Badue,
Defendant.

No. _____

Motion To Appoint Counsel
(GC 15421)

Motion to appoint counsel

Motion is hereby made for the appointment of counsel, in
the above entitled court, on appeal because defendant is indigent
and unable to retain private counsel; see, *Douglas v. California* (1963)
372 U.S. 353, 354-355 (83 S.Ct. 814, 9 L.Ed.2d 811).

23

I declare by penalty of perjury, and by the laws of the State of
California, that the above statement is true and correct.

Signature of declarant: Steve Badue

Date of signature: March 6, 2003

Motion To Appoint Counsel (GC 15421)

93

Page 2 of 2

Cal Gov Code § 15421

DEERING'S CALIFORNIA CODES ANNOTATED
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*** THIS SECTION IS CURRENT THROUGH THE 2003 SUPPLEMENT ***
(2001-2002 SESSION)

GOVERNMENT CODE

TITLE 2. Government of the State of California

DIVISION 3. Executive Department

PART 7. State Public Defender

CHAPTER 2. Duties and Powers

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

Cal Gov Code § 15421 (2003)

§ 15421. Authorized representation

Upon appointment by the court or upon the request of the person involved the State Public Defender is authorized to represent any person who is not financially able to employ counsel in the following matters:

- (a) An automatic appeal to the Supreme Court under Section 11 of Article VI of the California Constitution and subdivision (b) of Section 1239 of the Penal Code.
- (b) A petition for a writ of certiorari to the United States Supreme Court with respect to a judgment on the automatic appeal to the Supreme Court under Section 11 of Article VI of the California Constitution and subdivision (b) of Section 1239 of the Penal Code.
- (c) An appeal in a noncapital, criminal case as long as the State Public Defender is fulfilling the responsibilities to provide representation imposed pursuant to subdivisions (a) and (b), or the State Public Defender determines that taking a limited number of those cases is necessary for staff training.

372 U.S. 353, *, 83 S. Ct. 814, **,
9 L. Ed. 2d 811, ***; 1963 U.S. LEXIS 1943
DOUGLAS ET AL. v. CALIFORNIA

No. 34

SUPREME COURT OF THE UNITED STATES

372 U.S. 353; 83 S. Ct. 814; 9 L. Ed. 2d 811; 1963 U.S. LEXIS 1943

April 17, 1962, Argued

March 18, 1963, Decided

SUBSEQUENT HISTORY:

Restored to the calendar for reargument June 25, 1962. Reargued January 16, 1963.

PRIOR HISTORY: CERTIORARI TO THE DISTRICT COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT.

DISPOSITION: 187 Cal. App. 2d 802, 10 Cal. Rptr. 188, judgment vacated and cause remanded.

CASE SUMMARY

PROCEDURAL POSTURE: Petitioners, who were convicted of 13 felonies in a California State Court, appealed as of right to an intermediate Court of Appeals. Being indigent, they applied to the Court for appointment of counsel to assist them on appeal. In accordance with a state rule of criminal procedure, that Court made an *ex parte* examination of the record, determined that appointment of counsel for petitioners would not be "of advantage to the defendant or helpful to the appellate court" and denied appointment of counsel. Their appeal was heard without assistance of counsel and their convictions were affirmed. The State Supreme Court denied a discretionary review. *Held:* Where the merits of the one and only appeal an indigent has as of right are decided without benefit of counsel in a state criminal case, there has been a discrimination between the rich and the poor which violates the Fourteenth Amendment. Pp. 353-358.

OVERVIEW: In *Douglas et al. v. California*, 372 U.S. 353 (1963), the Supreme Court held that the State of California violated the Fourteenth Amendment by denying indigent defendants the right to appointed counsel on appeal. The Court found that the California rule requiring an *ex parte* examination of the record by the intermediate appellate court to determine if appointment of counsel was "of advantage to the defendant or helpful to the appellate court" was unconstitutional. The Court stated that the right to counsel on appeal is a fundamental right, and that the State's rule created a discrimination between rich and poor defendants.

DISCUSSION: The Court's decision in *Douglas et al. v. California* was based on the principle that the right to counsel is a fundamental right under the Fourteenth Amendment. The Court found that the California rule created a discrimination between rich and poor defendants, and that this discrimination violated the Fourteenth Amendment.

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Show Lawyers' Edition Display

SYLLABUS: In a California State Court, petitioners were tried jointly, convicted of 13 felonies and sentenced to imprisonment. Exercising their only right to appeal as of right, they appealed to an intermediate Court of Appeals, and, being indigent, applied to it for appointment of counsel to assist them on appeal. In accordance with a state rule of criminal procedure, that Court made an *ex parte* examination of the record, determined that appointment of counsel for petitioners would not be "of advantage to the defendant or helpful to the appellate court" and denied appointment of counsel. Their appeal was heard without assistance of counsel and their convictions were affirmed.

The State Supreme Court denied a discretionary review. *Held:* Where the merits of the one and only appeal an indigent has as of right are decided without benefit of counsel in a state criminal case, there has been a discrimination between the rich and the poor which violates the Fourteenth Amendment. Pp. 353-358.

COUNSEL: Marvin M. Mitchelson and Burton Marks reargued the cause for petitioners. With them on the briefs were A. L. Wirin, Fred Okrand and Nanette Dembitz.

William E. James, Assistant Attorney General of California, and Jack E. Goertzen, Deputy Attorney General, argued the cause for respondent. With them on the briefs was Stanley Mosk, Attorney General.

JUDGES: Warren, Black, Douglas, Clark, Harlan, Brennan, Stewart, White, Goldberg

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OPINIONBY: DOUGLAS

OPINION: [*353] [***812] [**815] MR. JUSTICE DOUGLAS delivered the opinion of the Court.

Petitioners, Bennie Will Meyes and William Douglas, were jointly tried and convicted in a California court on an information charging them with 13 felonies. A single [*354] public defender was appointed to represent them. At the commencement of the trial, the defender moved for a continuance, stating that the case was very complicated, [***813] that he was not as prepared as he felt he should be because he was handling a different defense every day, and that there was a conflict of interest between the petitioners requiring the appointment of separate counsel for each of them. This motion was denied. Thereafter, petitioners dismissed the defender, claiming he was unprepared, and again renewed motions for separate counsel and for a continuance. These motions also were denied, and petitioners were ultimately convicted by a jury of all 13 felonies, which included robbery, assault with a deadly weapon, and assault with intent to commit murder. Both were given prison terms. Both appealed as of right to the California District Court of Appeal. That court affirmed their convictions. 187 Cal. App. 2d 802, 10 Cal. Rptr. 188. Both Meyes and Douglas then petitioned for further discretionary review in the California Supreme Court, but their petitions were denied without a hearing. n1 187 Cal. App. 2d, at 813, 10 Cal. Rptr., at 195. We granted certiorari. 368 U.S. 815.

-----Footnotes-----

n1 While the notation of a denial of hearing by the California Supreme Court indicates that only Meyes petitioned that Court for a hearing, and is silent as to Douglas' attempts at further review, the record shows that the petition for review was expressly filed on behalf of Douglas as well. Both Meyes and Douglas, therefore, have exhausted their state remedies and both cases are properly before us. 28 U. S. C. § 1257 (3).

-----End Footnotes-----

Although several questions are presented in the petition for certiorari, we address ourselves to only one of them. The record shows that petitioners requested, and were denied, the assistance of counsel on appeal, even though it plainly appeared they were indigents. In denying petitioners' requests, the California District Court of Appeal stated that it had "gone through" the record [*355] and had come to the conclusion that "no good whatever could be served by appointment of counsel." 187 Cal. App. 2d 802, 812, 10 Cal. Rptr. 188, 195. The District Court of Appeal was acting in accordance with a California rule of criminal procedure which provides that state appellate courts, upon the request of an indigent for counsel, may make "an independent investigation of the record and determine whether it would be of advantage to the defendant or helpful to the appellate court to have counsel appointed. . . . After such investigation, appellate courts should appoint counsel if in their opinion it would be helpful to the defendant or the court, and should deny the appointment of counsel only if in their judgment such appointment would be of no value to either the defendant or the court." *People v. Hyde*, 51 Cal. 2d 152, 154, 331 P. 2d 42, 43.

[***HR1] [1]

We agree, however, with Justice Traynor of the California Supreme Court, who said that the "denial of counsel on appeal [to an indigent] would seem to be a discrimination at least as invidious as that condemned in *Griffin v. Illinois* . . ." *People v. Brown*, 55 Cal. 2d 64, 71, 357 P. 2d 1072, 1076 (concurring opinion). In *Griffin v. Illinois*, 351 U.S. 12, we held that a State may not grant appellate review in such a way as to discriminate against some convicted defendants on account of their poverty. There, as in *Draper v. Washington*, post, p. 487, the right to a free transcript on appeal was in issue. Here the issue is whether or not an indigent shall be [***814] denied the assistance of counsel on appeal. [**816] In either case the evil is the same: discrimination against the indigent. For there can be no equal justice where the kind of an appeal a man enjoys "depends on the amount of money he has." *Griffin v. Illinois*, supra, at p. 19.

In spite of California's forward treatment of indigents, under its present practice the type of an appeal a person is afforded in the District Court of Appeal hinges [*356] upon whether or not he can pay for the assistance of counsel. If he can the appellate court passes on the merits of his case only after having the full benefit of written briefs and oral argument by counsel. If he cannot the appellate court is forced to prejudge the merits before it can even

determine whether counsel should be provided. At this stage in the proceedings only the barren record speaks for the indigent, and, unless the printed pages show that an injustice has been committed, he is forced to go without a champion on appeal. Any real chance he may have had of showing that his appeal has hidden merit is deprived him when the court decides on an *ex parte* examination of the record that the assistance of counsel is not required.

[***HR2] [2]

We are not here concerned with problems that might arise from the denial of counsel for the preparation of a petition for discretionary or mandatory review beyond the stage in the appellate process at which the claims have once been presented by a lawyer and passed upon by an appellate court. We are dealing only with the *first appeal*, granted as a matter of right to rich and poor alike (Cal. Penal Code §§ 1235, 1237), from a criminal conviction. We need not now decide whether California would have to provide counsel for an indigent seeking a discretionary hearing from the California Supreme Court after the District Court of Appeal had sustained his conviction (see Cal. Const., Art. VI, § 4c; Cal. Rules on Appeal, Rules 28, 29), or whether counsel must be appointed for an indigent seeking review of an appellate affirmation of his conviction in this Court by appeal as of right or by petition for a writ of certiorari which lies within the Court's discretion. But it is appropriate to observe that a State can, consistently with the Fourteenth Amendment, provide for differences so long as the result does not amount to a denial of due process or an "invidious discrimination." *Williamson v. Lee Optical Co.*, 348 U.S. 483, 489; [***357] *Griffin v. Illinois*, *supra*, p. 18. Absolute equality is not required; lines can be and are drawn and we often sustain them. See *Tigner v. Texas*, 310 U.S. 141; *Goesaert v. Cleary*, 335 U.S. 464. But where the merits of the *one and only appeal* an indigent has as of right are decided without benefit of counsel, we think an unconstitutional line has been drawn between rich and poor.

[***HR3] [3]

[***HR4] [4]

When an indigent is forced to run this gantlet of a preliminary showing of merit, the right to appeal does not comport with fair procedure. In the federal courts, on the other hand, an indigent must be afforded counsel on appeal whenever he challenges a certification that the appeal is not taken in good faith. *Johnson v. United States*, 352 U.S. 565. The federal courts must honor his request for counsel regardless of [***815] what they think the merits of the case may be; and "representation in the role of an advocate is required." *Ellis v. United States*, 356 U.S. 674, 675. n2

In California, however, once the court has "gone through" the record and denied counsel, the indigent has no recourse but to prosecute his appeal on [***817] his own, as best he can, no matter how meritorious his case may turn out to be. The present case, where counsel was denied petitioners on appeal, shows that the discrimination is not between "possibly good and obviously bad cases," but between cases where the rich man can require the court to listen to argument of counsel before deciding on the merits, but a poor man cannot. There is lacking [***358] that equality demanded by the Fourteenth Amendment where the rich man, who appeals as of right, enjoys the benefit of counsel's examination into the record, research of the law, and marshalling of arguments on his behalf, while the indigent, already burdened by a preliminary determination that his case is without merit, is forced to shift for himself. The indigent, where the record is unclear or the errors are hidden, has only the right to a meaningless ritual, while the rich man has a meaningful appeal.

-----Footnotes-----

n2 "When society acts to deprive one of its members of his life, liberty or property, it takes its most awesome steps. No general respect for, nor adherence to, the law as a whole can well be expected without judicial recognition of the paramount need for prompt, eminently fair and sober criminal law procedures. The methods we employ in the enforcement of our criminal law have aptly been called the measures by which the quality of our civilization may be judged." *Coppedge v. United States*, 369 U.S. 438, 449.

-----End Footnotes-----

We vacate the judgment of the District Court of Appeal and remand the case to that court for further proceedings not inconsistent with this opinion.

It is so ordered.

DISSENTBY: CLARK; HARLAN

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97

DISSENT: MR. JUSTICE CLARK, dissenting.

I adhere to my vote in *Griffin v. Illinois*, 351 U.S. 12 (1956), but, as I have always understood that case, it does not control here. It had to do with the State's obligation to furnish a record to an indigent on appeal. There we took pains to point out that the State was free to "find other means of affording adequate and effective appellate review to indigent defendants." *Id.*, at 20. Here California has done just that in its procedure for furnishing attorneys for indigents on appeal. We all know that the overwhelming percentage of *in forma pauperis* appeals are frivolous. Statistics of this Court show that over 96% of the petitions filed here are of this variety. n1 California, in the light of a like experience, has provided that upon the filing of an application for the appointment of counsel the District Court of Appeal shall make "an independent investigation of the record [*359] and determine whether it would be of advantage to the defendant or helpful to the appellate court to have counsel appointed." *People v. Hyde*, 51 Cal. 2d 152, 154, 331 P. 2d 42, 43 (1958). California's courts did that here and after examining the [***816] record certified that such an appointment would be neither advantageous to the petitioners nor helpful to the court. It, therefore, refused to go through the useless gesture of appointing an attorney. In my view neither the Equal Protection Clause nor the Due Process Clause requires more. I cannot understand why the Court says that this procedure afforded petitioners "a meaningless ritual." To appoint an attorney would not only have been utter extravagance and a waste of the State's funds but as surely "meaningless" to petitioners.

-----Footnotes-----

n1 Statistics from the office of the Clerk of this Court reveal that in the 1961 Term only 38 of 1,093 *in forma pauperis* petitions for certiorari were granted (3.4%). Of 44 *in forma pauperis* appeals, all but one were summarily dismissed (2.3%).

-----End Footnotes-----

With this new fetish for indigency the Court piles an intolerable burden on the State's judicial machinery. Indeed, if the Court is correct it may be that we should first clean up our own house. We have afforded indigent litigants much less protection than has California. Last Term we received over 1,200 *in forma pauperis* applications in none of which had we appointed attorneys or required a record. Some were appeals of right. Still we denied the petitions or dismissed the appeals on the moving papers alone. At the same time we had hundreds of [***818] paid cases in which we permitted petitions or appeals to be filed with not only records but briefs by counsel, after which they were disposed of in due course. On the other hand, California furnishes the indigent a complete record and if counsel is requested requires its appellate courts either to (1) appoint counsel or (2) make an independent investigation of that record and determine whether it would be of advantage to the defendant or helpful to the court to have counsel appointed. Unlike *Lane v. Brown*, decided today, *post*, p. 477, decision in these matters is not placed in the unreviewable discretion [*360] of the Public Defender or appointed counsel but is made by the appellate court itself.

n2

-----Footnotes-----

n2 The crucial question here is, of course, the *effectiveness* of the appellate review which was unquestionably provided. In *Lane v. Brown*, *post*, p. 477, the unreviewable decision of the Public Defender precluded any appellate review under Indiana law. As to the fairness and effectiveness of the appellate review here as compared with *Griffin v. Illinois*, 351 U.S. 12 (1956), the State conceded the necessity of a transcript for adequate review of the alleged trial errors in that case. *Id.*, at 16. Compare the statement of the District Court of Appeal in affirming here: "Further, the briefs filed by Meyes [which Douglas adopted] conform to the rules in all respects, are well written, present all possible points clearly and ably with abundant citation of pertinent authorities, and were no doubt prepared by one well versed in criminal law and procedure and in brief writing. There was no prejudicial error in not appointing counsel for defendants on the appeal." 187 Cal. App. 2d 802, 812, 10 Cal. Rptr. 188, 195.

-----End Footnotes-----

California's concern for the rights of indigents is clearly revealed in *People v. Hyde*, *supra*. There, although the

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Public Defender had not undertaken the prosecution of the appeal, the District Court of Appeal nevertheless referred the application for counsel and the record to the Los Angeles Bar Association. One of its members reviewed these papers, after which he certified that no meritorious ground for appeal was disclosed. Despite this the California District Court of Appeal made its own independent examination of the record.

There is an old adage which my good Mother used to quote to me, *i. e.*, "People who live in glass houses had best not throw stones." I dissent.

[***817] MR. JUSTICE HARLAN, whom MR. JUSTICE STEWART joins, dissenting.

In holding that an indigent has an absolute right to appointed counsel on appeal of a state criminal conviction, the Court appears to rely both on the Equal Protection [*361] Clause and on the guarantees of fair procedure inherent in the Due Process Clause of the Fourteenth Amendment, with obvious emphasis on "equal protection." In my view the

Equal Protection Clause is not apposite, and its application to cases like the present one can lead only to mischievous results. This case should be judged solely under the Due Process Clause, and I do not believe that the California procedure violates that provision.

EQUAL PROTECTION.

To approach the present problem in terms of the Equal Protection Clause is, I submit, but to substitute resounding phrases for analysis. I dissented from this approach in *Griffin v. Illinois*, 351 U.S. 12, 29, 34-36, n1 and I am constrained to dissent from the implicit extension of the equal protection approach here — to a case in which the State denies no one an appeal, but seeks only to keep within reasonable bounds the instances in which appellate counsel will be assigned to indigents.

-----Footnotes-----

n1 The majority in *Griffin* appeared to rely, as here, on a blend of the Equal Protection and Due Process Clauses in arriving at the result. So far as the result in that case rested on due process grounds, I fully accept the authority of *Griffin*.

-----End Footnotes-----

The States, of course, are prohibited by the Equal Protection Clause from discriminating [**819] between "rich" and "poor" *as such* in the formulation and application of their laws. But it is a far different thing to suggest that this provision prevents the State from adopting a law of general applicability that may affect the poor more harshly than it does the rich, or, on the other hand, from making some effort to redress economic imbalances while not eliminating them entirely.

Every financial exaction which the State imposes on a uniform basis is more easily satisfied by the well-to-do than by the indigent. Yet I take it that no one would dispute the constitutional power of the State to levy a [*362] uniform sales tax, to charge tuition at a state university, to fix rates for the purchase of water from a municipal corporation, to impose a standard fine for criminal violations, or to establish minimum bail for various categories of offenses. Nor could it be contended that the State may not classify as crimes acts which the poor are more likely to commit than are the rich. And surely, there would be no basis for attacking a state law which provided benefits for the needy simply because those benefits fell short of the goods or services that others could purchase for themselves.

Laws such as these do not deny equal protection to the less fortunate for one essential reason: the Equal Protection Clause does not impose on the States "an affirmative duty to lift the handicaps flowing from differences in economic circumstances." n2 To so construe it would be to read into the Constitution a philosophy of leveling that would be foreign to many of our basic concepts of the proper relations between government and society. The State may have a moral obligation to [***818] eliminate the evils of poverty, but it is not required by the Equal Protection Clause to give to some whatever others can afford.

-----Footnotes-----

n2 *Griffin v. Illinois*, *supra*, at 34 (dissenting opinion of this writer).

-----End Footnotes-----

Thus it should be apparent that the present case, as with *Draper v. Washington*, *post*, p. 487, and *Lane v. Brown*, *post*, p. 477, both decided today, is not one properly regarded as arising under this clause. California does not discriminate between rich and poor in having a uniform policy permitting everyone to appeal and to retain counsel, and in having a separate rule dealing *only* with the standards for the appointment of counsel for those unable to retain their own attorneys. The sole classification established by this rule is between those cases that are believed to have merit and those regarded as frivolous. And, of course, no matter how far the state rule might go [*363] in providing counsel for indigents, it could never be expected to satisfy an affirmative duty -- if one existed -- to place the poor on the same level as those who can afford the best legal talent available.

Parenthetically, it should be noted that if the present problem may be viewed as one of equal protection, so may the question of the right to appointed counsel at trial, and the Court's analysis of that right in *Gideon v. Wainwright*, *ante*, p. 335, decided today, is wholly unnecessary. The short way to dispose of *Gideon v. Wainwright*, in other words, would be simply to say that the State deprives the indigent of equal protection whenever it fails to furnish him with legal services, and perhaps with other services as well, equivalent to those that the affluent defendant can obtain.

The real question in this case, I submit, and the only one that permits of satisfactory analysis, is whether or not the state rule, as applied in this case, is consistent with the requirements of fair procedure guaranteed by the Due Process Clause. Of course, in considering this question, it must not be lost sight of that the State's responsibility under the Due Process Clause is to provide justice for all. Refusal to furnish criminal indigents with some things that others can afford may fall short of constitutional [**820] standards of fairness. The problem before us is whether this is such a case.

DUE PROCESS.

It bears reiteration that California's procedure of screening its criminal appeals to determine whether or not counsel ought to be appointed denies to no one the right to appeal. This is not a case, like *Burns v. Ohio*, 360 U.S. 252, in which a court rule or statute bars all consideration of the merits of an appeal unless docketing fees are prepaid. Nor is it like *Griffin v. Illinois*, *supra*, in which the State conceded that "petitioners needed a transcript [*364] in order to get adequate appellate review of their alleged trial errors." 351 U.S., at 16. Here it is *this* Court which finds, notwithstanding California's assertions to the contrary, that as a matter of constitutional law "adequate appellate review" is impossible unless counsel has been appointed. And while *Griffin* left it open to the States to devise "other means of affording adequate and effective appellate review to indigent defendants," 351 U.S., at 20, the present decision establishes what is seemingly an absolute [***819] rule under which the State may be left without any means of protecting itself against the employment of counsel in frivolous appeals. n3

-----Footnotes-----

n3 California law provides that if counsel is appointed on appeal, the court shall fix a reasonable fee to be paid by the State. California Penal Code § 1241. It is of course clear that this Court may not require the State to compel its attorneys to donate their services.

-----End Footnotes-----

It was precisely towards providing adequate appellate review -- as part of what the Court concedes to be "California's forward treatment of indigents" -- that the State formulated the system which the Court today strikes down. That system requires the state appellate courts to appoint counsel on appeal for any indigent defendant except "if in their judgment such appointment would be of no value to either the defendant or the court." *People v. Hyde*, 51 Cal. 2d 152, 154, 331 P. 2d 42, 43. This judgment can be reached only after an independent investigation of the trial record by the reviewing court. And even if counsel is denied, a full appeal on the merits is accorded to the

indigent appellant, together with a statement of the reasons why counsel was not assigned. There is nothing in the present case, or in any other case that has been cited to us, to indicate that the system has resulted in injustice. Quite the contrary, there is every reason to believe that California appellate courts have made a painstaking effort to apply the rule fairly and to live up to the State Supreme Court's mandate. See, e. g., the discussion [*365] in *People v. Vigil*, 189 Cal. App. 2d 478, 480-482, 11 Cal. Rptr. 319, 321-322.

We have today held that in a case such as the one before us, there is an absolute right to the services of counsel at trial. *Gideon v. Wainwright*, ante, p. 335. But the appellate procedures involved here stand on an entirely different constitutional footing. First, appellate review is in itself not required by the Fourteenth Amendment, *McKane v. Durston*, 153 U.S. 684; see *Griffin v. Illinois*, supra, at 18, and thus the question presented is the narrow one whether the State's rules with respect to the appointment of counsel are so arbitrary or unreasonable, in the context of the particular appellate procedure that it has established, as to require their invalidation. Second, the kinds of questions that may arise on appeal are circumscribed by the record of the proceedings that led to the conviction; they do not encompass the large variety of tactical and strategic problems that must be resolved at the trial. Third, as California applies its rule, the indigent appellant receives the benefit of expert and conscientious legal appraisal of the merits of his case on the basis of the trial record, [*821] and whether or not he is assigned counsel, is guaranteed full consideration of his appeal. It would be painting with too broad a brush to conclude that under these circumstances an appeal is just like a trial.

What the Court finds constitutionally offensive in California's procedure bears a striking resemblance to the rules of this Court and many state courts of last resort on petitions for certiorari or for leave to appeal filed by indigent defendants *pro se*. Under the practice of this Court, only if it appears from the petition for certiorari that a case merits review is leave to proceed *in forma pauperis* granted, the case transferred to the Appellate Docket, and counsel appointed. Since our [*820] review is generally discretionary, and since we are often not even given the benefit of a record in the proceedings below, the disadvantages [*366] to the indigent petitioner might be regarded as more substantial than in California. But as conscientiously committed as this Court is to the great principle of "Equal Justice Under Law," it has never deemed itself constitutionally required to appoint counsel to assist in the preparation of each of the more than 1,000 *pro se* petitions for certiorari currently being filed each Term. We should know from our own experience that appellate courts generally go out of their way to give fair consideration to those who are unrepresented.

The Court distinguishes our review from the present case on the grounds that the California rule relates to "the first appeal, granted as a matter of right." Ante, p. 356. But I fail to see the significance of this difference. Surely, it cannot be contended that the requirements of fair procedure are exhausted once an indigent has been given one appellate review. Cf. *Lane v. Brown*, post, p. 477. Nor can it well be suggested that having appointed counsel is more necessary to the fair administration of justice in an initial appeal taken as a matter of right, which the reviewing court on the full record has already determined to be frivolous, than in a petition asking a higher appellate court to exercise its discretion to consider what may be a substantial constitutional claim.

Further, there is no indication in this record, or in the state cases cited to us, that the California procedure differs in any material respect from the screening of appeals in federal criminal cases that is prescribed by 28 U. S. C. § 1915. As recently as last Term, in *Coppedge v. United States*, 369 U.S. 438, we had occasion to pass upon the application of this statute. Although that decision established stringent restrictions on the power of federal courts to reject an application for leave to appeal *in forma pauperis*, it nonetheless recognized that the federal courts could prevent the needless expenditure of public funds by summarily disposing of frivolous appeals. Indeed in some [*367] respects, California has outdone the federal system, since it provides a transcript and an appeal on the merits in *all* cases, no matter how frivolous.

I cannot agree that the Constitution prohibits a State, in seeking to redress economic imbalances at its bar of justice and to provide indigents with full review, from taking reasonable steps to guard against needless expense. This is all that California has done. Accordingly, I would affirm the state judgment. n4

-----Footnotes-----

[***HR5] [5]

n4 Petitioners also contend that they were denied the effective assistance of counsel at trial. This claim, in my view, is without merit. A reading of the record leaves little doubt that petitioners' dismissal of their appointed counsel and their efforts to obtain a continuance were designed to delay the proceedings and, in all likelihood, to manufacture an appealable issue. Moreover, the trial court acted well within constitutional bounds in denying the claim that there was a conflict of interest between Douglas and Meyes that required a separate appointed attorney for each.

-----End Footnotes-----

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

FILED
MAR 11 2003
KIRI TORRE, Chief Executive Officer
Superior Court of CA, County of Santa Clara
By MANUELA Deputy Exhibits

The People of the State Of California
Plaintiff

Vs.

Steven Badue

Case Number: CC241061

Defendant(s)

NOTICE TO COURT REPORTERS RE: APPEALS

A Notice of Appeal was filed in this office on 3/6/03 (copy of Notice attached). The following proceedings are to be transcribed:

Date	Proceeding	Reporter	Judge	Page Allotment
2-3-03	Motions En Limine	T. Norris	Pichon	
2-5-03	Court Trial	C. Johnson	"	
3-6-03	Probation/Sentencing	J. Rocha	"	
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* Indicates Lead Reporter

You are to transcribe the proceedings, opinions or arguments as listed in CRC 33(a)(2) excluding voir dire examination and opening statement unless otherwise specified.

You are directed to prepare and file with the Appeals Division an original and 2 copy (ies) of the transcript on appeal within 20 days from the filing of the Notice of Appeal or as ordered, unless the time is extended as provided by CRC 35(d). ***If you have already prepared 0 & 2 for the co-defendant 0, make one more copy only.***

Copy of this Notice is mailed or delivered to the above-named Reporter(s) on this date: 3-10-03

cc: [☒] DA, [☒] CJIC, [☒] Exh. Rm. [☐] SDAP

KIRI TORRE, Chief Executive Officer,

By Joy Mayrue
Legal Process Clerk

Page 1 of 1

103

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF SANTA CLARA		FILED MAR 11 2003 KIRI TORRE Chief Executive Officer/Clerk Superior Court of CA, County of Santa Clara By <u>MANUEL MALLABO</u> Deputy
PLAINTIFF:	THE PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT:	STEVE KENT BADUE	
NOTICE OF FILING NOTICE OF APPEAL		CASE NUMBER: CC241061

PLEASE TAKE NOTICE THAT A NOTICE OF APPEAL FROM THE JUDGMENT ENTERED 03-06-2003

IN THE ABOVE-ENTITLED ACTION WAS FILED IN THIS OFFICE ON MARCH 06, 2003

CLERK'S CERTIFICATE OF MAILING

I CERTIFY THAT I AM NOT A PARTY TO THIS CAUSE AND THAT A TRUE COPY OF THIS DOCUMENT WAS MAILED FIRST CLASS POSTAGE FULLY PREPAID IN A SEALED ENVELOPE ADDRESSED AS SHOWN BELOW AND THE DOCUMENT WAS MAILED AT

KIRI TORRE, COUNTY CLERK

SAN JOSE, CALIFORNIA ON MARCH 11, 2003

BY: MANUEL MALLABO
M. MALLABO DEPUTY CLERK

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SIXTH DISTRICT APPELLATE PROGRAM
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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA**

PLAINTIFF: THE PEOPLE OF THE STATE OF CALIFORNIA

DEFENDANT: STEVE KENT BADUE

NOTICE OF COMPLETION OF:

☒ CLERK'S TRANSCRIPT ☒ REPORTER'S TRANSCRIPT
☐ CORRECTIONS/ADDITIONS ☐ AUGMENTATION

CASE NUMBER: CC241061

YOU ARE HEREBY NOTIFIED THAT THE TRANSCRIPT(S) ON APPEAL IN THE ABOVE-ENTITLED ACTION HAVE BEEN COMPLETED.

CLERK'S CERTIFICATE OF MAILING

I CERTIFY THAT I AM NOT A PARTY TO THIS CAUSE AND THAT A TRUE COPY OF THIS DOCUMENT WAS MAILED FIRST CLASS POSTAGE FULLY PREPAID IN A SEALED ENVELOPE ADDRESSED AS SHOWN BELOW AND THE DOCUMENT WAS MAILED AT

KIRI TORRE, COURT CLERK

SAN JOSE, CALIFORNIA ON APR 25 2003

BY: Laura J. Osman
M. MALLABO DEPUTY CLERK

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I, M. MALLABO, Deputy County Clerk of the County of Santa Clara, State of California, hereby certify that I have compared the foregoing copies, and each of them, respectively, with the original documents as listed on the "Index to Clerk's Transcript" herein, as the same respectively remain on file and of record in my office, and that all of the foregoing copies are, and each of them is, a full, true, and correct transcript of such originals and of the whole thereof.

I further certify that I have complied with CCP 237 (a) (2) in that all personal juror identifying information has been redacted if applicable.

In witness, I have hereunto set my hand and the seal of said Superior Court, this March 13, 2003.



KIRI TORRE,
CHIEF EXECUTIVE OFFICER/CLERK

BY: Laura J. Oman
for M. MALLABO DEPUTY CLERK

THE PEOPLE VS. STEVE KENT BADUE

CASE NUMBER: CC241061